



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **ERP, FFT**

This hearing was convened as a result of the Tenants' Application for Dispute Resolution under the *Residential Tenancy Act* ("Act") for:

- an order for emergency repairs to the rental under section 33 of the Act; and
- authorization to recover the filing fee under section 72 of the Act.

This matter was set for hearing by telephone conference call at 9:30 am on October 29, 2021. The Tenants did not attend this hearing. The teleconference line remained open while the phone system was monitored for ten minutes and neither of the Tenants called into the hearing during this time. Midway through and at the end of the 10 minutes I asked if either of the Tenants were on the line to verify that no one had called into the conference. I confirmed that the correct call-in numbers and participant codes were provided in the Notice of Hearing.

Landlord ZL attended the hearing. She stated the Tenants did not serve the Landlords with the Notice of Dispute Resolution Proceeding ("NDRP"). She stated she was advised of the hearing through ServiceBC on October 28, 2021 and that ServiceBC provided her with a copy of the NDRP. On the application, the Tenants listed the surname of one of the Landlords as "Unknown". At the hearing, Landlord ZL stated that she understood this second Landlord to be her husband (full name on cover of this decision) who shares a first name with the second named landlord in the application.

Rule 7.3 of the Residential Tenancy Branch *Rules of Procedure* provides as follows:

7.3 Consequences of not attending the hearing – If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application with or without leave to reapply.

As neither of the Tenants attended the hearing by 9:40 am and in the absence of any evidence or submissions from the Tenants, I order this application dismissed with leave

to reapply. I make no findings on the merits of the matter. The issuance of this decision does not extend any applicable deadlines under the Act.

As the Tenants application has been dismissed, their claim for reimbursement of the \$100.00 filing fee is dismissed without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 1, 2021

Residential Tenancy Branch