



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC OLC FFT

### Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenants seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 1 Month Notice to End Tenancy for Cause (1 Month Notice), for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenants were provided with a copy of the Notice of a Dispute Resolution Proceeding dated February 10, 2022 (Notice of Hearing) when they made their application. The tenants, however, did not attend the hearing set for this date, May 5, 2022 at 11:00 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only persons to call into the hearing were the two landlords.

### Analysis

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.3 and 7.3 apply and state:

#### **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 re-apply.

#### **7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Given the above and following the 10-minute waiting period, the application of the tenants was **dismissed without leave to reapply**. This decision does not extend any

applicable time limits under the Act. The respondents attended the hearing, yet the applicant tenants did not attend the hearing to present the merits of their application.

The filing fee is not granted as the application was dismissed.

### Conclusion

The application is dismissed in full without leave to reapply.

The filing fee is not granted.

This decision will be emailed to both parties. The landlords provided their email address during the hearing and the tenants have already provided their email address on their application.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: May 5, 2022

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Residential Tenancy Branch