



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for an Order for repairs to the unit or property, having contacted the Landlord in writing to make repairs, but they have not been completed; and to recover the \$100.00 cost of their Application filing fee.

The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing on March 15, 2022; however, the Tenants did not attend the teleconference hearing scheduled for June 21, 2022, at 9:30 a.m. (Pacific Time). The phone line remained open for ten minutes and was monitored throughout this time. The only person to call into the hearing was the Respondent Landlord's Agent, W.M., ("Agent"), who indicated that he was ready to proceed.

The Agent said that the Landlord completed the repairs requested in the Application on May 14, 2022. The Agent said that on May 16, 2022, he offered to pay the Tenants' \$100.00 Application filing fee, if they cancelled the hearing; however, he said they declined to do this.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlord's Agent and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 9:30 a.m. on June 23, 2022, as scheduled.

Rule 7.3 states that 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. The teleconference line remained open for ten minutes, however, neither the Applicants nor an agent acting on their behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Tenants' Application wholly without leave to reapply.**

Conclusion

The Tenants' Application is dismissed wholly without leave to reapply, as the Tenants or an Agent for the Tenants did not attend the hearing to present the merits of the Application. The Respondent Landlord's Agent did attend the hearing.

This Decision does not extend any applicable time limits under the Act.

This Decision will be emailed to the address confirmed by the Agent during the hearing, and to the email address provided by the Tenants in the 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: June 21, 2022

Residential Tenancy Branch