



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HomeLife Advantage Realty Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened by teleconference on March 25, 2022, to deal with the tenants' application (application) for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The tenants applied on December 12, 2021, for, among other things, compensation for a monetary loss or other money owed and recovery of the cost of the filing fee. The remaining claims of the tenants were dismissed, without leave to reapply, because the tenants said the tenancy was ending in the month after the March 25, 2022, hearing. The tenants requested that the hearing proceed on their monetary claim.

The hearing began on March 25, 2022, and all parties and the landlord's translator were in attendance. The parties were affirmed.

The hearing continued for 64 minutes, at which time it was clear there was insufficient time to conclude the issues and matters in dispute in the time allotted. The hearing was adjourned.

An Interim Decision was issued on March 26, 2022, in which the hearing was adjourned to a date and time set by the Residential Tenancy Branch (RTB). The Interim Decision is incorporated by reference and should be read in conjunction with this Decision.

The Interim Decision informed the parties that the reconvened hearing will be conducted on the date and time contained in the enclosed Notice of Reconvened Hearing, whether you are present or not.

Notices of the Reconvened Hearing and Interim Decision were emailed or mailed to the parties on March 28, 2022.

At the reconvened hearing on July 12, 2022, neither tenant attended. The landlords were present and ready to proceed with the hearing. The landlord confirmed that the tenants vacated the rental unit at the end of June 2022.

As to the tenants' application, RTB Rules 7.1 and 7.3 apply and state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

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.

Given the above, I find the tenants failed to attend the entire proceeding by failing to attend the reconvened hearing on July 12, 2022. As a result, I **dismiss the tenants' application, 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: July 12, 2022

Residential Tenancy Branch