



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNDCT, RR, FFT**

Introduction

This hearing was re-convened after the issuance of a March 31, 2022 interim decision. I determined that the tenant's application could not be heard on March 29th because the landlord had not been served with evidence by the tenant. The hearing was adjourned to today's date for the landlord to review the evidence provided to him and to exchange his evidence with the tenants.

The tenants did not attend today's hearing although I left the teleconference hearing connection open throughout the hearing which commenced at 11:00 a.m. and ended at 11:12 a.m. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord attended the hearing and advised me that he received a copy of the interim decision dated March 31st and the notice of reconvened hearing.

Analysis

Rule 7.3 of the Rules of Procedure provides 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 re-apply.

Rule 7.4 states that 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 to present evidence, any written submissions supplied may or may not be considered.

Rule 6.6 states that the standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim.

The tenants did not attend the hearing which was scheduled by conference call at 11:00 a.m. As they did not attend, they did not present evidence regarding the merits of their

claim for me to consider, or satisfy me that on a balance of probabilities, the facts occurred as claimed.

Consequently, I dismissed the tenants' application without leave to reapply.

As the tenants were not successful in their claim, they will not recover their filing fee.

Conclusion

The tenants' application 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: July 14, 2022

Residential Tenancy Branch