



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, RP, OLC, FFT

### Introduction

This hearing was convened as a result of the Tenants' application under the *Residential Tenancy Act* for:

- cancellation of a One Month Notice to End Tenancy for Cause dated (the "One Month Notice") pursuant to section 47;
- an order for the Landlord to make repairs to the rental unit pursuant to section 32;
- an order that the Landlord comply with the Act, the regulations, or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the Landlord pursuant to section 72.

### Issues to be Decided

1. Are the Tenants entitled to cancellation of the One Month Notice?
2. Are the Tenants entitled to an order for repairs?
3. Are the Tenants entitled to an order that the Landlord comply?
4. Are the Tenants entitled to recovery of the filing fee from the Landlord?

### Background and Evidence

Neither the Landlord nor the Tenants attended at the appointed time set for the hearing, although I waited until 9:40 am to enable them to participate in the hearing which was to start at 9:30 am. I confirmed that the correct hearing date, time, call-in numbers and participant access code had been provided on the notice of dispute resolution proceeding. During the hearing, I used the teleconference system to confirm that I was the only person who had called into the hearing.

### Analysis

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states:

#### **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.

As none of the parties attended the hearing by 9:40 am, and in the absence of any evidence or submissions, I order the application dismissed with leave to re-apply.

### Conclusion

The Tenants' application is dismissed with leave to re-apply.

I make no findings on the merits of this application. Leave to re-apply does not extend any applicable limitation period.

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: September 12, 2022

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Residential Tenancy Branch