



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNETC, FF

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenants' application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- a return of their security deposit;
- compensation from the landlords related to a Two Month Notice to End Tenancy for Landlord's Use of Property (Notice); and
- recovery of the cost of the filing fee.

The hearing began at 1:30 p.m. Pacific Time on Monday, September 12, 2022, as scheduled and the telephone system remained open and was monitored for 11 minutes. During this time, neither tenant called into the hearing; however, the landlords were present and ready to proceed with the hearing.

The landlords asserted that they had not been served with the tenants' Application for Dispute Resolution, evidence, and Notice of Hearing (application package) and only became aware of the hearing upon receiving an email reminder from the Residential Tenancy Branch (RTB).

I continued the hearing for 11 minutes, in order to allow the tenants to call into the hearing.

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

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.

Accordingly, in the absence of any evidence or submissions from the tenants at the hearing, **I order their application 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*. 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: September 12, 2022

Residential Tenancy Branch