



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNL, OLC, FFT

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), an Order cancelling a Two Month Notice to End the Tenancy for Landlord's Use; for an Order for the Landlord to Comply with the Act or tenancy agreement; and to recover the \$100.00 cost of their Application filing fee.

The Respondents appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Applicants. The Applicants were provided with a copy of the Notice of a Dispute Resolution Hearing on June 7, 2022; however, the Applicants did not attend the teleconference hearing scheduled for October 3, 2022, at 9:30 a.m. (Pacific Time). The phone line remained open for over 20 minutes and was monitored throughout this time. The only persons to call into the hearing were the Respondents, who indicated that they were ready to proceed.

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 Respondents 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 October 3, 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 22 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 Applicants' Application without leave to reapply.**

Further, the Respondents said that they had rented a suite to the Applicants in the house rented by the Respondents. They said that they were not the Landlord, as they did not own the residential property, but rather, rented it from the owner. I have not made a decision in this regard, as there was not such a claim before me. However, the

Respondents said that both they and the Applicants have moved out of the residential property; therefore, I find this matter is no longer relevant.

### Conclusion

The Tenants' **Application is dismissed without leave to reapply**, as the Applicants or an Agent for them did not attend the hearing to present the merits of the Application. The Respondents did attend the hearing.

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

This Decision will be emailed to the addresses provided by the Applicant in the Application, and confirmed by the Respondents in the hearing.

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: October 03, 2022

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Residential Tenancy Branch