



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenants: MNSD, RPP, FFT

Landlords: MNRL-S, MNDL-S, FFL

Introduction and Preliminary Matters

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear crossed applications regarding a tenancy.

The tenants applied on August 10, 2022 for:

- the return of all or part of the security deposit and/or pet damage deposit;
- the landlords to return their personal property; and
- the filing fee.

The landlords applied on December 7, 2022 for:

- recovery of unpaid rent and/or utilities, requesting to retain the security and/or pet damage deposit;
- compensation for damage to the rental unit by the tenants, their guests, or their pets, requesting to retain the security and/or pet damage deposit; and
- the filing fee.

The hearing teleconference commenced on time at 1:30 p.m. and was attended by landlord RH; the tenants did not attend the hearing, though the teleconference line remained open for 10 minutes. The landlord was affirmed and made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

Rule 7 provides as follows:

Rule 7.1 Commencement of the hearing

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

Rule 7.3 Consequences of not attending the hearing

The arbitrator may conduct the hearing in the absence of a party or dismiss the application, with or without leave to re-apply.

As the tenants did not attend the hearing, their application is dismissed with leave to reapply.

The landlord testified that he did not serve their Notice of Dispute Resolution Proceeding (NDRP) and evidence on the tenants.

Rule 3.5 states:

3.5 Proof of service required at the dispute resolution hearing

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Proceeding Package and all evidence as required by the Act and these Rules of Procedure.

As the landlord did not serve their NDRP on the tenants as required, and the tenants were not present at the hearing, the landlords' application is dismissed with leave to reapply.

Conclusion

The tenants' application is dismissed; the landlords' application is dismissed.

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: January 09, 2023

Residential Tenancy Branch