



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction

This hearing dealt with the tenants' application, filed on May 9, 2022, pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for 12 month rent compensation of \$10,800.00 total, because the landlord ended the tenancy and has not complied with the *Act* or used the rental unit for the stated purpose, pursuant to section 51.

The two applicant tenants did not attend this hearing, which lasted approximately 11 minutes. The respondent landlord and her translator attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 1:30 p.m. and ended at 1:41 p.m. I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord, the landlord's translator, and I were the only people who called into this teleconference.

The landlord and her translator provided their names and spelling. The landlord provided her email address for me to send a copy of this decision to her after the hearing.

The landlord confirmed that she owns the rental unit. She provided the rental unit address. She stated that her translator, who is her son-in-law, had permission to assist her with English language translation at this hearing.

Rule 6.11 of the Residential Tenancy Branch (“RTB”) *Rules of Procedure* (“Rules”) does not permit recordings of any RTB hearings by any participants. At the outset of this hearing, the landlord’s translator confirmed that neither he, nor the landlord, would record this hearing.

I explained the hearing process to the landlord and her translator. They had an opportunity to ask questions, which I answered. They did not make any adjournment or accommodation requests.

The landlord confirmed receipt of the tenants’ application for dispute resolution hearing package. In accordance with section 89 of the *Act*, I find that the landlord was duly served with the tenants’ application.

The landlord confirmed that she received the tenants’ application to obtain 12 month rent compensation, pursuant to a Two Month Notice to End Tenancy for Landlord’s Use of Property (“2 Month Notice”) that she issued to the tenants.

The landlord’s translator stated that the monthly rent paid by the tenants at the end of this tenancy was \$900.00 per month.

The landlord confirmed that she is aware that the tenants filed this application to seek 12 months rent compensation, of \$900.00 per month, totalling \$10,800.00, pursuant to the 2 Month Notice.

Preliminary Issue – Dismissal of Tenants’ Application

Rule 7.3 of the RTB *Rules* states the following:

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.

In the absence of any appearance by the two applicant tenants, I order the tenants’ entire application dismissed without leave to reapply.

I informed the landlord and her translator of my decision verbally during this hearing. They confirmed their understanding of same.

Conclusion

The tenants' entire 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: January 24, 2023

Residential Tenancy Branch