



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      MNETC, FFT

### Introduction

This hearing dealt with an Application for Dispute Resolution that was filed by the Tenant (the Application) under the *Residential Tenancy Act* (the Act), on June 6, 2022, seeking:

- Compensation because the tenancy ended as a result of a two, four, or 12 month notice to end tenancy, and the landlord has not complied with the Act or used the rental unit for the stated purpose; and
- Recovery of the filing fee.

The hearing was convened by telephone conference call at 1:30 P.M. (Pacific Time) on February 21, 2023, and was attended by the Landlords, both of whom provided affirmed testimony. The Tenant did not attend. The Notice of Dispute Resolution Proceeding (NODRP) states the date and time of the hearing, that the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. I confirmed that the details shown in the NODRP were correct and I note that the Landlords were able to attend the hearing promptly. Although the Landlords stated that the Tenant never served them with a copy of the NODRP as required, and that they only received the hearing information from the Residential Tenancy Branch (the Branch) after having received an auto-generated email which prompted them to contact the Branch, the Landlords still attended the hearing at the scheduled time, ready to proceed. Branch records confirm that auto-generated emails were sent to the parties on February 7, 2023, and that the Landlords called the Branch on that date to inquire what it was about, which is when they were provided with the hearing information by Branch staff. Branch records also confirm that the Tenant called the Branch on February 1, 2023, to advise that they had

not served the Landlords with the NODRP, and that they were advised of their options, including serving the NODRP late or withdrawing the Application.

Despite the lack of service of the NODRP on the Landlords by the Tenant, the Landlords were able to obtain the hearing information from the Branch, and attended the hearing on time. The Landlords were therefore provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing. Although the line remained open for the 22-minute duration of the hearing, neither the Tenant nor an agent acting on their behalf appeared at the hearing to provide evidence or testimony for my consideration.

The Landlords were advised that pursuant to rule 6.10 of the Rules of Procedure, interruptions and inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The Landlords were asked to refrain from speaking over myself and any other participants, should they attend, and to hold their questions and responses until it was their opportunity to speak. The Landlords were also advised that pursuant to rule 6.11 of the Rules of Procedure, recordings of the proceedings are prohibited, except as allowable under rule 6.12, and confirmed that they were not recording the proceedings.

I have reviewed all evidence and testimony before me that was accepted for consideration in this matter in accordance with the Residential Tenancy Branch Rules of Procedure (the Rules of Procedure), however, I refer only to the relevant and determinative facts, evidence, and issues in this decision.

Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Landlords and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule the matter, I commenced the hearing as scheduled. Rule 7.3 of the Rules of Procedure 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. As neither the Tenant nor an agent acting on their behalf attended the hearing to present any evidence or testimony for my consideration regarding the Tenant's Application, and the Landlords appeared and disputed the validity of the Application, I therefore dismiss the Tenant's Application in its entirety, without leave to reapply.

Conclusion

The Tenant's Application is dismissed without leave to reapply.

This decision is made on authority delegated to me by the Director of the Branch under Section 9.1(1) of the Act.

Dated: February 21, 2023

---

Residential Tenancy Branch