



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes ARI-C

Introduction

This hearing was convened as a result of the Landlords' application under section 43(3) of the *Residential Tenancy Act* for an additional rent increase based on capital expenditures in the amount of \$12,359.55.

The Tenants attended this hearing. The Landlords did not attend. I left the teleconference hearing connection open until 11:12 am in order to enable the Landlords to call into the hearing scheduled to start at 11:00 am. I confirmed that the correct call-in numbers and participant access code (referenced on the cover page of this decision) had been provided in the Notice of Dispute Resolution Proceeding. I used the teleconference system to confirm that the Tenants and I were the only ones who had called into the hearing.

Preliminary Matter – Landlords' Non-attendance

Rules 7.3 and 7.4 of the Residential Tenancy Branch Rules of Procedure state:

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.

The Landlords did not attend this hearing to present evidence regarding the merits of their application, while the Tenants duly attended. Accordingly, in the absence of any

evidence or submissions from the Landlords, I dismiss this application without leave to re-apply.

Conclusion

This application is dismissed without leave to re-apply.

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: May 05, 2023

Residential Tenancy Branch