



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      OPT, MNDCT, DRI-ARI-C

This hearing dealt with an Application for Dispute Resolution (Application) that was filed by the Tenants under the *Residential Tenancy Act* (the Act), on January 18, 2023, and an amendment to the Application filed on February 16, 2023, seeking:

- An order of possession for the rental unit;
- Compensation for monetary loss or other money owed; and
- To dispute an additional rent increase for capital expenditures.

The hearing was convened by telephone conference call at 9:30 am on May 15, 2023, and was attended by the Landlord. The Tenants did not attend. All testimony provided was affirmed. The Landlord was provided the opportunity to present their evidence orally and in written and documentary form, to call witnesses, and to make submissions at the hearing.

The Landlord was advised that 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 Landlord was asked to refrain from speaking over me and to hold their questions and responses until it was their opportunity to speak. The Landlord was also advised that recordings of the proceedings are prohibited, and confirmed that they were not recording the proceedings. At the request of the Landlord, a copy of the decision will be emailed to them.

The Residential Tenancy Branch Rules of Procedure (Rules of Procedure) state that the respondent must be served with a copy of the Application, the Notice of Hearing, and any documentary evidence intended to be relied upon at the hearing by the applicant. The Landlord stated that the Notice of Dispute Resolution Proceeding package (NODRP), which includes the Application and the Notice of Hearing, was sent to them by email and I note that the Tenants were granted an order for substituted service on

February 15, 2023, allowing them to serve the Landlord by email. I confirmed that the hearing details shown in the NODRP were correct and I note that the Landlord had no difficulty attending the hearing on time using this information. I also note that the NODRP was emailed to the Tenants on January 24, 2023, and that an additional copy was provided to them via a new email address on May 11, 2023, upon their request. Reminder emails were also sent to both Tenants on May 12, 2023. 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. Based on the above, the hearing proceeded as scheduled despite the absence of the Tenants or an agent acting on their behalf.

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. Although the teleconference remained open from 9:30 am – 9:41 am, neither the Tenants nor an agent acting on their behalf attended the teleconference. I therefore dismiss the Tenants' Application in its entirety, 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 Act.

Dated: May 15, 2023

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Residential Tenancy Branch