



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes LRE, LAT, OLC, FF

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for an order suspending or setting conditions on the landlord's right to enter the rental unit, authorization to change the locks to the rental unit, an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, and recovery of the filing fee.

The hearing began at 9:30 a.m. Pacific Time on Thursday, May 25, 2023, as scheduled and the telephone system remained open and was monitored for 11 minutes. During this time, the tenants did not call into the hearing; however, the landlord and their agent were present, were affirmed and were ready to proceed with the hearing. The agent disclosed that the tenants vacated the rental unit approximately February 1 or 2, 2023, without notice to the landlord. The landlord also disclosed they had not been served with the tenants' application.

The Rules of Procedure provide as follows:

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.

Accordingly, in the absence of any evidence or submissions from the tenants at the hearing, **I order the application 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: May 25, 2023

Residential Tenancy Branch