



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes ET, FFL

Introduction and Preliminary Matters

On April 12, 2023, the Landlords applied for a Dispute Resolution proceeding seeking an Order of Possession based on an early end of tenancy pursuant to Section 56 of the *Residential Tenancy Act* (the “*Act*”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On April 26, 2023, this Application was set down for a Dispute Resolution Proceeding on July 28, 2023, at 9:30 AM.

Both Tenants attended the hearing, and advised of the correct legal name of the second Respondent. As such, the Style of Cause on the first page of this Decision has been amended accordingly. However, neither Landlord attended at any point during the 21-minute teleconference. At the outset of the hearing, I informed the Tenants that recording of the hearing was prohibited and they were reminded to refrain from doing so. As well, both Tenants provided a solemn affirmation.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 9:30 AM and monitored the teleconference until 9:51 AM. Only the Tenants dialed into the teleconference during this time. 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 I was the only other person who had called into this teleconference.

As the onus is on the Landlords to substantiate the reason for this early end of tenancy Application, and as the Landlords failed to appear at the hearing, I am not satisfied that the Landlords have properly substantiated the grounds for this Application. As such, I find that the Landlords' Application for Dispute Resolution has been abandoned. Consequently, the Landlords' Application is dismissed in its entirety.

As the Landlords were not successful in their Application, I find that the Landlords are not entitled to recover the \$100.00 filing fee.

Conclusion

Based on the above, I dismiss the Landlords' Application for Dispute Resolution 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: July 28, 2023

Residential Tenancy Branch