



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL

Introduction

The landlords applied to the Residential Tenancy Branch [the 'RTB'] for Dispute Resolution. The landlords ask me for the following orders against the tenants.

1. Exclusive possession of the rental unit in favour of the landlords.
2. Payment of \$2,400.00 of unpaid rent.
3. Reimbursement for the \$100.00 filing fee for this application.

The landlords appeared at the hearing on 28 July 2023. The tenants did not.

Preliminary Matter - Non-appearance at the Hearing

The tenants did not attend this hearing, although I left the teleconference hearing connection open throughout the hearing which commenced at 1100 hours and ended about half an hour later.

I asked the landlords if they sent a copy of the Notice of Dispute Resolution Proceeding to the tenants. They told me that they had not.

Page 2 of that notice reads (in part): 'The applicant [here, the landlords] is required to give the Residential Tenancy Branch proof that this notice and copies of all supporting documents were served to the respondent [*i.e.* the tenants].'

Rule 7.3 of the RTB Rules of Procedure reads:

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.

The tenants failed to attend this hearing, but I was not satisfied that they had notice of this hearing or how to participate.

Accordingly, I dismiss this application with leave to re-apply.

I make this decision on authority delegated to me by the Director of the RTB *per* section 9.1(1) of the *Residential Tenancy Act*.

Dated: 10 August 2023

Residential Tenancy Branch