Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>   CNR RP

<u>Introduction</u>

This hearing dealt with an Application for Dispute Resolution filed on April 29, 2014, by the Tenants to cancel a Notice to end tenancy for unpaid rent and obtain orders to have the Landlord make repairs to the unit.

No one was in attendance at the scheduled teleconference hearing.

<u>Issue(s) to be Decided</u>

Should this application be dismissed with or without leave to reapply?

<u>Background and Evidence</u>

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

<u>Analysis</u>

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

Rule 10.1 of the Rules of Procedure provides as follows:

> **10.1 Commencement of the hearing** 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.

In the absence of the applicant Tenants and respondent Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of either party called into the hearing during this time. Based on the aforementioned I find the Tenants have failed to present the merits of their claim, and the application is dismissed, without leave to reapply.

Conclusion

I HEREBY DISMISS the Tenants' application, 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: June 19, 2014

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Residential Tenancy Branch