



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, LAT, RR, FF, O

Introduction

These hearings were convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenants for the following reasons: for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”), regulation or tenancy agreement; to authorise the Tenants to change locks to the rental unit; to allow the Tenants to reduce rent for repairs, services or facilities agreed upon but not provided; to recover the filing fee; and, for “Other” issues.

The Landlord, the Landlord’s legal counsel, and one of the Tenants appeared for the original hearing. However, only the Tenant and Landlord provided affirmed testimony. At the first hearing, the Landlord confirmed receipt of the Tenants’ Application. The first hearing which took place on June 1, 2016 and was adjourned because the scheduled time allotted for that hearing had been reached.

The parties were issued with an Interim Decision on the same day which provided additional instructions on the service of the Landlord’s evidence. This was mailed to both parties by the Residential Tenancy Branch to the mailing address which was confirmed with the parties at the original hearing.

The Interim Decision also requested the Tenants to provide a new mailing address to the Residential Tenancy Branch if this changed in the interim period and that it was their responsibility to inform of any address changes as the tenancy was due to end. In addition, both parties were requested at the original hearing to contact the Residential Tenancy Branch if they had not received confirmation of the date and time of the reconvened hearing within two weeks of the original hearing taking place.

At the reconvened hearing, only the Landlord and the Landlord’s legal counsel appeared for the hearing. There was no appearance by the Tenants despite the line being left open for ten minutes to allow them an opportunity to appear. Legal counsel for the Landlord confirmed receipt of the Notice of Hearing documents for the reconvened hearing from the Residential Tenancy Branch by mail. The Landlord confirmed service

of the revised documentary evidence served to the Tenants prior to the reconvened hearing pursuant to the instructions detailed in the Interim Decision of June 1, 2016.

The Residential Tenancy Branch Rules of Procedure state 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.

As the Tenants failed to appear for the reconvened hearing and the Landlord appeared and was ready to rebut and disputed the Tenants' entire monetary claim, I dismiss the Tenants' Application **without** leave to reapply. This file is now closed.

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 25, 2016

Residential Tenancy Branch