



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNRL-S, OPC, FFL, MNDCL-S

### Introduction

This hearing convened as a result of the Landlord requested monetary compensation from the Tenant in the amount of \$1,339.00, authority to retain the Tenants' security deposit and to recover the filing fee.

The hearing was conducted by teleconference on April 23, 2020 and May 29, 2020. Both parties called into the April 23, 2020 hearing. The hearing on April 23, 2020 did not complete; the Landlord, J.H., had yet to provide testimony in support of the Landlords' claims and the Tenants had yet to respond. By Interim Decision dated April 23, 2020 I adjourned the hearing of the Landlords' Application.

When the hearing reconvened on May 29, 2020, only the Tenants called into the hearing. 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 the Tenants and I were the only ones who had called into this teleconference.

### Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

#### **Commencement of Hearing:**

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

**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.

As the Applicants, the Landlords bear the burden of proving their claim on a balance of probabilities. Although the Landlords called into the initial hearing, they had yet to complete their submissions and the Tenants had not provided any response. The Landlords failed to call into the continuation of this hearing; accordingly, and pursuant to *Rule 7.3*, I dismiss the Landlords' claim without leave to reapply.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: May 29, 2020

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Residential Tenancy Branch