



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP

Introduction

The Tenant applies for emergency repairs pursuant to s. 33 of the *Residential Tenancy Act* (the “Act”).

R.N. and R.N. attended as Landlords and co-owners of the residential property. The Tenants did not attend, nor did someone attend on their behalf.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The parties confirmed that they were not recording the hearing.

The Landlords advised that they were not served with the Notice of Dispute Resolution and received notice of today’s hearing by way of reminder email from the Residential Tenancy Branch. They confirmed receiving the Notice of Dispute Resolution the morning of the hearing after it was provided to them by the Residential Tenancy Branch directly.

Preliminary Issue – Style of Cause

The Tenants have listed various individuals in the style of cause that are not listed as tenants in the tenancy agreement. The Landlords confirmed that several of the listed parties are the children of the Tenants and are occupants of the rental unit. The Landlords confirmed that the two adult parents are the only individuals that are parties to the tenancy agreement.

I exercise my discretion under Rule 4.2 of the Rules of Procedure and amend the style of cause to remove the minor children occupants. The two adult parents, as listed in the tenancy agreement, remain listed in the style of cause.

Applicant Non-Attendance

The hearing began as scheduled at 9:30 AM on today's date in accordance with Rule 7.1 of the Rules of Procedure. I confirmed that the correct dial-in numbers and codes were provided within the Notice of Dispute Resolution. Rule 7.3 of the Rules of Procedure states:

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 hearing was conducted in the absence of the Tenants. After waiting on the line with the Landlords for 10 minutes, the hearing was concluded without submissions from either party on the substantive issue in the Tenants' application.

As is made clear by Rule 6.6, the onus is on the Tenants, as the applicant, to make out their claim. By failing to attend the hearing, I find that the Tenants have failed to make out their claim. I hereby dismiss their 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: January 24, 2022

Residential Tenancy Branch