



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      ERP, OLC

### Introduction and Preliminary Matters

On November 24, 2022, the Tenants applied for a Dispute Resolution proceeding seeking an Order to comply pursuant to Section 62 of the *Residential Tenancy Act* (the “Act”).

On December 1, 2022, the Tenants amended their Application seeking an emergency repair Order pursuant to Section 62 of the *Act*.

Tenant N.R. attended the hearing late, and he advised of the correct names of the Tenants on the tenancy agreement. As such, the persons named on this Application that were not Tenants were removed from the Style of Cause on the first page of this Application. The Landlord did not attend the hearing at any point during the 21-minute teleconference. All parties in attendance provided a solemn affirmation.

Rule 7.1 of the Rules of Procedure stipulates 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.

I dialed into the teleconference at 9:30 AM and monitored the teleconference until 9:51 AM. Only the Applicant dialed into the teleconference during this time. 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 I was the only other person who had called into this teleconference.

N.R. advised that the Landlord was never served with the Notice of Hearing package because he did not realize that he was required to do so. Based on this undisputed testimony, I am not satisfied that the Landlord was duly served with the Notice of Hearing package in accordance with the Rules of Procedure. As such, I dismiss the Tenants' Application with leave to reapply.

### Conclusion

The Tenants' Application is dismissed with 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: April 3, 2023

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Residential Tenancy Branch