



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Don Development Construction Company  
Ltd and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, RP, OLC

### Introduction

The tenants applied to the Residential Tenancy Branch [the 'RTB'] for Dispute Resolution. The tenants ask me for the following orders against the landlords.

1. Cancellation of a 10-day Notice to End Tenancy, dated on or about 15 March 2023 [the 'Notice'].
2. Repairs to the rental unit.
3. Compliance with a previous order made after an earlier Dispute Resolution before the RTB.

The tenants appeared at the hearing on 18 April 2023. The landlords did not appear.

### Preliminary Matter - Non-appearance at the Hearing

The landlords did not attend this hearing. I left the teleconference hearing connection open from the commencement of the hearing at 1100 hours and to its termination at about 1113 hours.

The tenants told me that they did not serve a copy of this Notice of Hearing on the landlords. The tenants believed that they had missed the deadline by which to do so, and so they filed a new application to deal with this dispute. The tenants also told me that they believed that the landlords understood that this dispute was to be heard next month, under the new application that the tenants filed.

Rule 7.3 of the RTB Rules of Procedure reads:

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 landlords failed to attend this hearing, and I accept that they failed to do so because the tenants did not notify them of it. The tenants did not wish to proceed with their application, as they told me that the dispute would instead be dealt with by their latest application, set to be heard next month.

The tenants did not adduce any evidence at the hearing of the Notice.

### Conclusion

Accordingly, I dismissed this application without leave to re-apply. I did not grant leave to re-apply because of the tenants' representation that they have already re-applied, and that this re-application is set to be heard next month.

As there was no evidence before me of the Notice, section 55 (1) of the *Residential Tenancy Act* [the 'Act'] does not require me to make an order of possession in favour of the landlords.

I make this decision on authority delegated to me by the Director of the RTB *per* section 9.1(1) of the Act.

Dated: 18 April 2023

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Residential Tenancy Branch