

## **DECISION**

Dispute Codes      MNDC MNSD OLC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants for a Monetary Order for money owed or compensation for damage and loss under the Act, the return of their security deposit, to recover the filing fee from the Landlord, and an Order to have the Landlord comply with the Act.

No one was in attendance for either the Landlord or the Tenants.

### Issue(s) to be Decided

Are the Tenants entitled to a Monetary Order a) for money owed or compensation for damage and loss under the Act and b) the return of their security deposit, pursuant to Sections 38, and 67 of the *Residential Tenancy Act*?

Are the Tenants entitled to an Order to have the Landlord comply with the Act under section 32 of the *Residential Tenancy Act*?

### Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

### Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

In the absence of the applicant Tenants and respondent Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on

behalf of the applicant Tenants or respondent Landlord called into the hearing during this time. Based on the aforementioned I find that the Tenants have failed to present the merits of their application and the application is hereby dismissed, with leave to reapply.

### Conclusion

**I HEREBY DISMISS** the Tenants' application, 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: March 01, 2010.

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Dispute Resolution Officer