



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD, MNDC, and FF

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Tenant applied for the return of the security deposit, for a monetary Order for money owed or compensation for damage or loss, and to recover the filing fee from the Landlord for the cost of filing this application.

Issue(s) to be Decided

The issue to be decided is whether the Tenant is entitled to the return of double the security deposit paid in relation to this tenancy and to recover the cost of filing this Application for Dispute Resolution.

Background

This hearing commenced at the scheduled start time of 2:30 p.m., at which time the Landlord was represented at the hearing. The Teleconference was monitored until 2:41 p.m., at which time it was concluded. The Tenant had not attended the hearing by 2:41 p.m.

There Tenant submitted no documentary evidence in support of this claim and the Tenant was not in attendance for the purposes of testifying in support of the claim.

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.

Rule 10.1 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.

Conclusion

I find that the Tenant failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Dated: August 23, 2012.

Residential Tenancy Branch