



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution filed on October 18, 2012, by the Tenant to obtain a Monetary Order for the return of their security deposit.

The respondent Landlord appeared at the scheduled teleconference hearing; however no one on behalf of the Tenant appeared.

Issue(s) to be Decided

Should this application be dismissed with or without leave to reapply.

Background and Evidence

The Landlord submitted that she found the Notice of Dispute resolution hearing and application in her mailbox on Monday, January 14, 2013. She confirmed that the Tenant had not previously provided his forwarding address in writing and that she had several conversations with him about why he would not be getting his deposit back.

No evidence was provided on behalf of the Tenant as he was not 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 Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time; however the Landlord attended the scheduled proceeding.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing 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.

In the absence of any evidence or submissions from the applicant Tenant I order the application dismissed without leave to reapply.

Conclusion

I HEREBY DISMISS the Tenant's application, without leave to reapply.
This dismissal does not extend any applicable time limits set out under the Act.

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 17, 2013

Residential Tenancy Branch

