



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR O MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on November 14, 2012, by the Tenant to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for other reasons, for reduced rent, and to recover the cost of the filing fee from the Landlord for this application.

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

Issue(s) to be Decided

Should the Tenant's application be dismissed with or without leave to reapply?

Background and Evidence

The Landlord advised that the Tenant cancelled her tenancy before moving into the unit. He returned her security deposit and kept the first month's rent.

No evidence was submitted in support of the application as the Tenant did not appear at the teleconference 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 Tenant called into the hearing during this time.

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.

Accordingly, in the absence of any evidence or submissions from the applicant I order the application dismissed without liberty 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 legally binding and 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: February 21, 2013

Residential Tenancy Branch

