



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MNSD

Introduction

This matter was scheduled to be heard as a cross application on February 28, 2013. The Tenant's Application for Dispute Resolution was severed from the Landlord's Application for Dispute Resolution and the Tenant's Application for Dispute Resolution was adjourned to this date.

The Tenant filed an Application for Dispute Resolution, in which the Tenant applied for a monetary Order for money owed or compensation for damage or loss and to recover the security deposit. At the hearing on February 28, 2013, the Landlord was given authorization to retain the security deposit so that matter cannot be reconsidered.

Issue(s) to be Decided

Is the Tenant entitled to compensation for the loss of the quiet enjoyment of the rental unit?

Background and Evidence

There was no 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 a 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.

This hearing was scheduled to commence at 9:00 a.m. on this date. The teleconference was monitored between 9:01 a.m. and 9:12 a.m. Neither the Applicant nor the Respondent dialed into the teleconference during this time.

I find that the Application for Dispute Resolution has been abandoned.

Conclusion

I dismiss the Application with leave to reapply, as I have not made any findings of fact or law with respect to the application.

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 26, 2013

Residential Tenancy Branch

