



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Dorset Realty Group Canada Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with an Application for Dispute Resolution pursuant to the *Residential Tenancy Act* (the “Act”) by the tenants for a monetary order for the return of all or part of the security deposit or pet damage deposit.

The hearing began at 9:30 a.m. as scheduled. No one was in attendance for either the applicant tenants or the respondent landlord.

Issue to be Decided

- Are the tenants entitled to a monetary order under the *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.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to reapply.

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 not presented 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 final and binding on the parties, unless otherwise provided under the Act, 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: May 01, 2013

Residential Tenancy Branch