



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, O, FF

Introduction

This hearing was convened in response to cross applications.

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 fee for filing this Application for Dispute Resolution.

The Landlord filed an Application for Dispute Resolution, in which the Landlord applied for a monetary Order for money owed or compensation for damage or loss and for “other”.

The Landlord was represented at the hearing.

The Landlord stated that the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant, via regular mail, on April 10, 2013. Upon being advised that she was not permitted to serve an Application for Dispute Resolution by regular mail the Landlord elected to withdraw the Application for Dispute Resolution. The Landlord retains the right to file another Application for Dispute Resolution.

Issue(s) to be Decided

Is the Tenant entitled to the return of all or part of the security deposit?

Background and Evidence

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 commenced at the scheduled start time of 9:00 a.m. and the teleconference was monitored until 9:11 a.m. The Tenant did not dial into the teleconference during this time.

Analysis

I find that the Tenant failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the Tenant's Application without leave to reapply.

Conclusion

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: June 17, 2013

Residential Tenancy Branch