



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD O FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on August 7, 2013, by the Tenants to obtain a Monetary Order for: the return of double their security deposit; for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; for other reasons; 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 Tenants.

Issue(s) to be Decided

Should this application be dismissed?

Background and Evidence

The Landlord appeared at the scheduled hearing and stated that he had tried to work this issue out with the Tenants on two occasions in the previous two weeks. He indicated that the Tenants were not in agreement.

There was no additional evidence or testimony provided in support of the Tenants' claim as no one attended on behalf of the Tenants.

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 Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants 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 submissions from the applicant Tenants during this proceeding, I find they did not prove the merits of their application and I order the application dismissed without liberty to reapply.

Conclusion

I HEREBY DISMISS the Tenants' application, without leave to reapply.

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: November 06, 2013

Residential Tenancy Branch

