



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MND, FF

### Introduction

This hearing was set for a telephone conference call at 9:00 a.m. in response to an Application for Dispute Resolution (the “Application”) made by the Landlords for a Monetary Order for damage to the rental unit and to recover the filing fee.

The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing was the Respondent (the “Tenant”).

The Tenant also drew my attention to the fact that the Landlords had served the Notice of Hearing documents by leaving them on her door step which is not one of the methods permitted for the service of such documents under Section 89(1) of the Act.

The Tenant also drew my attention to the fact that a hearing had been convened on October 30, 2013 to hear an Application made by the Landlord for the same issues as this Application. During this hearing (the file numbers for which appear on the front page of this decision), the Landlord failed to appear and the Tenant was awarded double the return of her security deposit in response to her Application. The arbitrator for the previous hearing dismissed the Landlord’s Application **without** leave to re-apply.

### Analysis & Conclusion

Rule 10.1 of the Dispute Resolution Proceedings Rules of Procedure states 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.

As the Applicant did not appear by 9:10 a.m., and the Tenant appeared and was ready to proceed, I dismiss the Landlords’ Application **without** leave to reapply.

The Landlords are cautioned in relation to Section 77(3) of the Act which states that a decision or order is final and binding on the parties. When an Application is dismissed **without** leave to re-apply, it means that a party does not have the ability to make another Application to have the same issues heard again.

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: April 15, 2014

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Residential Tenancy Branch

