



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC, O

### Introduction

This matter was set for hearing by telephone conference call at 9:00 am, in response to an Application for Dispute Resolution (the “Application”) made by the Tenant for money owed or compensation for loss under the *Residential Tenancy Act* (the “Act”), regulation or tenancy agreement, and for the return of the pet damage or security deposit.

At the start of the hearing the only party present was an advocate for the Tenant who stated that he was simply appearing for the hearing to provide a suitable location for the call and to assist the client with any issues he may have during the hearing. However, the Tenant failed to appear for the duration of the hearing. The Tenant’s advocate explained that the Tenant was in hospital but the advocate did not have the authority to make submissions or make decisions on behalf of the Tenant.

As a result, I explained to the advocate that as the Landlord named in the Application had also failed to appear for the hearing at the scheduled time that I would dismiss the Application but give leave for the Tenant to re-apply; the advocate agreed with this outcome.

After the hearing had ended for the ten minute duration, I remained on the line with the Tenant’s advocate and provided information to him regarding the rights and obligations of parties under the Act. During this time, an agent for the Landlord’s company named on the Application appeared for the hearing. I explained to the Landlord’s agent that the hearing had concluded as both parties had failed to appear for the scheduled time of the hearing and that I would not be accepting any submissions of evidence from the parties.

However, I remained on the line with both parties and provided them both with information about the return of the security deposit in accordance with section 38 of the Act and section 4 of the Act which lists what the Act does not apply to.

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 neither party named in the Application called in by 9:10 am, I find that the Tenant has not presented the merits of this Application and the Application is hereby **dismissed with leave to reapply**. However, this does not extend any applicable time limits under the Act and I have made no findings of fact or law with respect to the merits of this 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: May 28, 2014

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Residential Tenancy Branch

