



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR LIMITED PARTNERSHIP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on May 13, 2014, and amended on May 16, 2014, by the Tenant to obtain a Monetary Order for: the return of double his security deposit and to recover the cost of the filing fee from the Tenant for this application.

The hearing was conducted via teleconference and was attended by the Landlord. No one appeared on behalf of the Tenant despite this hearing being convened to hear matters pertaining to the Tenant's application.

Issue(s) to be Decided

Should the Tenant's application be dismissed with or without leave to reapply?

Background and Evidence

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

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.

While the Respondent Landlord attended the hearing by way of conference call, the Applicant did not. The submitted that the security deposit had been returned to the Tenants and three separate cheques were issued. The first was issued in the name of both Tenants on May 7, 2014. At the request of the Tenant the cheque was cancelled and

a second cheque was issued in only one tenant's name on June 19, 2014; however, this cheque had a clerical error. On June 25, 2014 the final cheque was issued replacing the June 19th cheque and returning the Tenant's deposit.

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.

In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the Tenant called into the hearing during this time.

Accordingly, in the absence of any evidence or submissions from the applicant Tenant I order the application dismissed without liberty to reapply.

Conclusion

I HEREBY DISMISS the Tenant's 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: September 17, 2014

Residential Tenancy Branch

