



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MND, MNSD, FF

Introduction

This hearing concerns the landlord's application for a monetary order as compensation for unpaid rent / compensation for damage to the unit, site or property / retention of the security deposit & pet damage deposit / and recovery of the filing fee.

The hearing was originally scheduled for a telephone conference call to start at 11:30 a.m. on August 28, 2014. Both parties called into the hearing, however, as a result of an administrative oversight the Arbitrator did not call in. Thereafter, a Branch Information Officer undertook to contact the parties by telephone to propose re-scheduling of the hearing at 9:30 a.m. on September 08, 2014. The tenants confirmed that the proposed new time / date would be suitable to them.

A voice mail message was left with the landlord on September 02 and 04, 2014, in which she was informed of the proposed new time / date of the hearing, and she was requested to make a return call to the Branch to confirm the suitability of the proposed new time / date. However, no return call was thereafter received from the landlord.

The tenants attended the newly re-scheduled hearing at 9:30 a.m. on September 08, 2014, and gave affirmed testimony. However, by 9:40 a.m. the landlord had still not appeared and the call was ended.

The tenants testified that in response to tenant "TMW's" application a previous hearing was held in a dispute between these parties on January 24, 2014 (file #). While tenant "TMW" appeared at that hearing, the landlord did not. A decision was issued by date of February 03, 2014, pursuant to which a monetary order was issued in favour of the tenant. In summary, the monetary order reflected the double return of the security deposit and pet damage deposit, in addition to recovery of the filing fee. During the present hearing the tenants testified that the landlord has not thus far made payment of the amount awarded pursuant to the previous decision. Subsequent to the previous decision, the landlord filed her own application for dispute resolution on April 28, 2014.

Conclusion

In the absence of a return call from the landlord to the Branch in order to confirm the suitability of the proposed new time / date of the hearing scheduled in response to her application, and in the absence of the landlord at the re-scheduled hearing itself, the landlord's application is hereby dismissed.

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 08, 2014

Residential Tenancy Branch