



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC MNSD

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on July 16, 2014, by the Tenant for a Monetary Order for the return of double her security deposit and for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement.

The hearing was conducted via teleconference and was attended by the Landlord's Agent. No one attended 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

No additional evidence was provided in support of the Tenant's application as no one appeared at the teleconference hearing 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.

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 applicant Tenant called into the hearing during this time. Accordingly, in the absence of any submissions from the applicant Tenant, I find the Tenant has not proven the merits of their application and 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: December 30, 2014

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Residential Tenancy Branch

