



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing was convened in response to an Application for Dispute Resolution (the “Application”) made by the Tenant for the return of double her security deposit and to recover the filling fee.

The Tenant appeared for the original hearing on March 23, 2015 with a Legal Advocate. There was no appearance for the Landlord named on the Tenant’s Application. The Tenant explained that after she made her Application on August 21, 2014, she learnt that the Landlord had passed away in a traffic accident.

The Tenant explained that her legal advocate (not the one appearing for this hearing) working with her on this case was not able to appear for the hearing to explain how they had served the Application. The Tenant explained that the Application was amended to include the estate of the Landlord but no such amendment was evident to me on the Tenant’s Application.

The Tenant and the Legal Advocate requested an adjournment of the proceedings so that the Tenant’s original legal advocate could be present to explain the Tenant’s case. The purpose of the Legal Advocate appearing for this hearing was to make the request for adjournment on behalf of the original legal advocate.

As a result, the Tenant was granted an adjournment of the original proceedings and my full reasoning for this was detailed in an Interim Decision which was rendered on March 23, 2015. The parties were sent the Interim Decision along with the Notice of Hearing documents for the proceedings to continue in this hearing.

At the reconvened hearing, the executor of the deceased Landlord’s estate appeared and explained that he had received the Notice of Hearing documents from the Residential Tenancy Branch but that he had not been served with the Tenant’s Application or any evidence relating to the case against his deceased father. However,

there was no appearance for the Tenant or her legal advocate during the hearing despite the line being left open for ten minutes.

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 Tenant failed to appear and a party for the Respondent appeared and was ready to proceed with the hearing, I dismiss the Tenant's Application **without** leave to reapply. This file is now closed.

The executor of the estate provided a mailing address which I noted in the electronic file records. Both parties will receive copy of this decision.

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 6, 2015

Residential Tenancy Branch

