



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNSD; MNDC

Introduction and Analysis

This Hearing was scheduled to hear the Tenant's application for return of the security deposit and compensation under the Act, regulation or tenancy agreement.

This application was scheduled to be heard via teleconference on July 9, 2015, at 1:30 p.m. The Landlord signed into the conference and was ready to proceed. I explained to the Landlord that my practice is to wait for 10 minutes for both parties to sign into the Hearing. I placed the Landlord on "hold" while waiting for the Tenant; however by 1:40 p.m., neither the Tenant nor an agent for the Tenant had signed into the teleconference.

It is important to note that the Landlord stated sarcastically that it was "kind" of me to extend the start time of the Hearing, because he had been "chewed out" by another arbitrator for being 2 minutes late at another hearing.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of 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.

I find that that the Tenant has abandoned his application, and therefore I dismiss the Tenant's application without leave to re-apply.

After I gave the Landlord my oral decision on the Tenant's Application, the Landlord stated that he wished to give submissions with respect to whether or not the Act applied to this tenancy. I advised him that I was not going to consider submissions on the matter because it was not necessary, as the Tenant's Application is dismissed without leave to reapply. In any event, I would not consider submissions from the Landlord on his question of jurisdiction without the Tenant being present to provide submissions. The Landlord had not filed an Application for Dispute Resolution.

Conclusion

The Tenant's application is dismissed **without leave to re-apply**.

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: July 09, 2015

Residential Tenancy Branch

