



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, O, FF

Introduction

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*). The tenant applied for:

- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The landlord applied for:

- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

This matter was set for a conference call hearing at 2:30 p.m. on this date. The tenant attended the hearing by conference call and gave undisputed affirmed testimony. The landlord did not attend. The tenant stated that he served the amended notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on August 18, 2015. The tenant has submitted a copy of the Customer Receipt Tracking number as confirmation.

Rule 10.1 of the Rules of Procedure provides that:

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.

The landlord failed to attend to put forth the application and the tenant was present to respond to the landlord's application. At the end of the hearing after waiting 18 minutes past the start of the scheduled hearing, the landlord's application was dismissed without leave to reapply. The hearing was conducted dealing with the tenant's application only.

During the hearing the tenant decided to withdraw his application. As such no further action is required.

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: October 09, 2015

Residential Tenancy Branch

