



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF; MNSD, OLC, FF,O

Introduction

This hearing was convened in relation to the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

This hearing was also convened in relation to the tenant's application pursuant to the Act for:

- authorization to obtain a return of all or a portion of their security deposit pursuant to section 38;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72; and
- an "other" remedy.

The landlord attended the hearing. The tenants did not attend the hearing. At the hearing, the landlord indicated that the parties had entered into a settlement to resolve the outstanding matters. The landlord indicated that she did not require any further intervention by the Residential Tenancy Branch.

Disposition of Tenants' Claim

While the landlord attended the hearing by way of conference call, the tenants did not, although I waited until 1441 in order to enable the tenants to connect with this teleconference hearing scheduled for 1430.

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.

Accordingly, in the absence of any evidence or submissions from the tenants and in the absence of the tenants' participation in this hearing, I order the tenants' application dismissed without leave to reapply.

Disposition of Landlord's Application

The landlord withdrew her claim, with prejudice, on the basis that the parties have reached a settlement and the tenants did not appear.

Conclusion

The landlord's application is withdrawn. The tenants' application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: October 27, 2015

Residential Tenancy Branch

