



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR; MNSD, FF

Introduction

This hearing dealt with the landlord's application for a monetary order for unpaid rent pursuant to section 67 of the *Residential Tenancy Act* (the Act).

This hearing also dealt with the tenant's application pursuant to the Act for:

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

At the hearing, the landlord YK indicated that, in the event the tenant failed to appear, he wished to withdraw the landlord's application on a without prejudice basis.

The tenant did not attend this hearing, although I waited until 1112 in order to enable the tenant to connect with this teleconference hearing scheduled for 1100. The landlord YK attended the hearing.

Disposition of Tenant's Application

The tenant failed to appear to provide any evidence or submissions in support of her application. The landlord YK attended and was prepared to respond to the tenant's application.

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 tenant and in the absence of the tenant's participation in this hearing, I order the tenant's application dismissed without leave to reapply.

Withdrawal of Landlord's Application

The landlord YK indicated that if the tenant failed to appear, he wished to withdraw the landlord's application without prejudice to any reapplication.

As there is no prejudice to the tenant in allowing the landlord to withdraw her application, the landlord YK is permitted to withdraw the application.

Conclusion

The tenant's application is dismissed without leave to reapply.

The landlord's application is withdrawn without prejudice to her ability to reapply.

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: November 16, 2015

Residential Tenancy Branch

