



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Surrey Village Holdings Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with a tenant's Application for Dispute Resolution seeking a monetary order equivalent to double the tenant's security deposit. The hearing was conducted via teleconference and was attended by the tenant and the landlord. The landlord admitted service of the tenant's application. The landlord had returned all of the tenant's security deposit but the tenant alleged it was not returned in the time permitted by section 38 of the Act.

### Issues

Is the tenant is entitled to a monetary for the equivalent of double his security deposit; pursuant to Sections 38 and 67, of the *Residential Tenancy Act (Act)*?

### Preliminary Matter

The tenant called into the hearing from a shopping mall. There was a lot of background noise because of the tenant's location. I asked the tenant if he could change the location because of these problems. He advised that he was going to step outside. Five minutes later, he disconnected from the hearing. I waiting another fifteen minutes but the tenant did not return to the hearing.

Rule 10.1 of the Rules of Procedure provides:

*Commencement of the dispute resolution proceeding*

*The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the dispute*

*resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

I determined that it would not be fair to both parties to continue the hearing conclusively in the absence of the tenant. Accordingly I concluded the hearing at twenty minutes after the hour. I have dismissed the tenant's application with leave to reapply.

### Conclusion

I have dismissed the tenant's application with leave to reapply.

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: December 01, 2015

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Residential Tenancy Branch

