



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NACEL PROPERTIES and CRESSEY PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD OLC O FF

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on July 24, 2015. The Tenant filed seeking a Monetary Order for the return of their security deposit and to recover the cost of their filing fee. In addition, the Tenant sought an Order to have the Landlord comply with the *Act*, Regulation, and/or tenancy agreement and sought a resolution for other reasons.

No one was in attendance at the scheduled teleconference hearing.

Issue(s) to be Decided

Should this application be dismissed with or without leave to reapply?

Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

Rule 10.1 of the Rules of Procedure provides as follows:

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.

In the absence of the applicant Tenant and respondent Landlords, the telephone line remained open while the phone system was monitored for ten minutes and no

one called into the hearing during this time. Based on the aforementioned I find neither the applicant nor the respondents were given an opportunity to present their evidence. Accordingly, I dismissed the application, with leave to reapply.

Conclusion

No one was in attendance at the scheduled teleconference hearing and the Tenant's application was dismissed with leave to reapply. This dismissal does not extend any timeframes set out in the *Act*.

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: January 15, 2016

Residential Tenancy Branch

