



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD OLC FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenant on July 10, 2015, to obtain a Monetary Order for the return of their security deposit, to Order the Landlord to comply with the *Act*, Regulation, and/or tenancy agreement; and to recover the cost of the filing fee for their application.

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 Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of either party called into the hearing during this time. Based on the aforementioned I find neither party had an opportunity to present the merits of their position. 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 time limits 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 11, 2016

Residential Tenancy Branch

