



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, FF; MNDC, MNSD, O

### Introduction

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

- a monetary order for unpaid rent pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover her filing fee for this application from the tenant pursuant to section 72; and
- an "other" remedy.

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38;
- authorization to change the locks to the rental unit pursuant to section 70;
- an order to the landlord to provide services or facilities required by law pursuant to section 65; and
- an "other" remedy.

### Background

This hearing commenced 2 December 2015. As a result of time constraints, the files were adjourned to reconvene today. Although the landlord attended the first hearing, she did not attend the reconvened hearing. The tenant attended both hearings.

Neither party called the appointed teleconference at the designated time; however, I did monitor the previous teleconference and found the tenant on that line. I informed the tenant that she was not using the correct teleconference codes.

The tenant indicated that she was ill and in need of medical attention. The tenant asked to withdraw her application and reapply at a later date. I permitted the tenant to withdraw and encouraged her to seek immediate medical attention.

I monitored both the assigned teleconference and the prior teleconference for fifteen minutes. The landlord did not call in to either number.

### Analysis

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 the landlord's participation at the reconvened hearing, I order the landlord's application dismissed with leave to reapply.

### Conclusion

The tenant's application is withdrawn.

The landlord's application is dismissed with leave to reapply.

Both parties are cautioned that these outcomes do not change any timelines that may be applicable to their claims.

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: January 27, 2016

---

Residential Tenancy Branch

