



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Landlord on July 11, 2015. The Landlord filed seeking an order to allow the Landlord to retain the Tenant's security deposit to offset the cost of damages caused to the rental unit.

No one was in attendance for either the Landlord or the Tenant.

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 Landlord and respondent Tenant, 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 the parties have not had an opportunity to present their evidence; therefore, the application is hereby dismissed with leave to reapply.

Conclusion

No one was in attendance at the hearing and the Landlord's application was dismissed, with leave to reapply. This dismissal does not extend any applicable time limits set out under 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 18, 2016

Residential Tenancy Branch

