



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNDC, MNR, MNSD, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for money owed or compensation for damage or loss, for a monetary Order for unpaid rent, to keep all or part of the security deposit, and to recover the fee for filing this Application for Dispute Resolution.

### Issue(s) to be Decided

Is the Landlord entitled to compensation for unpaid rent and to keep all or part of the security deposit?

### Background and Evidence

The hearing was scheduled for 1:00 p.m. on this date. I dialed into the teleconference at 1:14 p.m. and the Tenant dialed into the teleconference shortly thereafter.

Rule 15.2 of the Residential Tenancy Branch Rules of Procedure stipulate that if the start of the teleconference is delayed each party must remain available for the conference dispute resolution proceeding for up to 45 minutes after the time scheduled for the start of the conference call.

I monitored the teleconference until 1:26 p.m., at which point I terminated the conference. The Landlord had not appeared by the time the teleconference was terminated at 1:26 p.m.

While we were waiting for the Landlord to attend the hearing the Tenant stated that the Tenants did not provide the Landlord with a forwarding address at the end of the tenancy.

### Analysis

I find that the Landlord failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the Application without leave to reapply.

Section 38(1) of the *Residential Tenancy Act* stipulates that within 15 days after the later of the date the tenancy ends and the date the landlord receives the tenant's forwarding address in writing, the landlord must repay the security deposit or make an application claiming against the deposit. On the basis of the Tenant's testimony that the Tenants did not provide the Landlord with a forwarding address at the end of the tenancy, I have not ordered the Landlord to return the security deposit even though the Landlord has failed to establish grounds to retain any portion of the deposit.

### Conclusion

The Application for Dispute Resolution is dismissed, without 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: June 27, 2016

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Residential Tenancy Branch