



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC, MNSD, O

### Introduction

On May 10, 2016 a hearing was conducted via conference call between these two parties. The tenant attended and provided undisputed testimony. The landlord did not attend. The tenant served the landlord by registered mail on October 23, 2015 with the notice of hearing package seeking a monetary order for the return of double the security deposit and for compensation for due to loss of employment. The tenant was granted a monetary order for the return of double the security deposit. The landlord applied for a review of this decision. The arbitrator ordered the decision and accompanying order suspended pending a review hearing for the tenant's application.

This is a review hearing granted for 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;
- a monetary order for the return of double the security deposit pursuant to section 38 and 67 of the Act.

This matter was set for a conference call hearing at 9:00 a.m. on this date. The tenant did not attend. The landlord attended the hearing via conference call and provided undisputed affirmed testimony. The landlord stated that the tenant was served with the notice of hearing package via Canada Post Registered Mail on June 20, 2016. The landlord provided a Canada Post Customer Receipt Tracking number and confirmed that an online search shows that the tenant signed in receipt of the package on June 26, 2016. I accept the undisputed affirmed evidence of the landlord and find that the tenant was properly served with the notice of a review hearing via Canada Post Registered Mail on June 20, 2016 as per sections 88 and 89 of the Act.

The tenant failed to attend the hearing by way of conference call as per the notice of a review hearing served by the landlord. I waited until 16 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the Rules of Procedure provides that:

**7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

**7.2 Delay in the start of a hearing**

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

**7.3 Consequences of not attending the hearing**

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

**7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the application dismissed without leave to reapply. I make no findings on the merits of the matter.

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: July 08, 2016

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Residential Tenancy Branch