



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MENKIS CONSTRUCTION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MND, MNSD

Introduction

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

- a Monetary Order pursuant to section 67 of the *Act* for damage to the unit;
- an Order to keep all or part of the security deposit to apply against the monetary claim pursuant to section 38 of the *Act*; and
- an application to recover the filing fee from the tenant pursuant to section 72 of the *Act*.

Issue(s) to be Decided

Is the landlord entitled to keep all or part of the security deposit to apply against their monetary claim?

Is the landlord entitled to a Monetary Order for damage to the unit?

Is the landlord entitled to reimbursement of the filing fee?

Analysis

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 1:15 P.M. in order to enable the Applicant to connect with this teleconference hearing scheduled for 1:00 P.M.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding - The dispute resolution proceeding must commence at the scheduled time unless otherwise

decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Conclusion

In the absence of the applicant's participation in this hearing, I order the application dismissed without liberty 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: January 13, 2017

Residential Tenancy Branch