



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes

MNSD FF

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for authorization to obtain a return of all or a portion of their security deposit pursuant to section 38, and recovery of the filing fee pursuant to section 72.

Neither party attended at the appointed time set for the hearing, although I waited until 1:45 p.m. to enable them to participate in this hearing scheduled for 1:30 p.m.

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.

Accordingly, in the absence of anyone attending this hearing and in accordance with section 82(3) of the *Act*, I dismiss the tenants' application for a return of all or a portion of their security deposit. Liberty to reapply is not an extension of any applicable limitation period. As the filing fee is a discretionary award given to a successful party after a full hearing on its merits, which did not occur at this hearing, I dismiss the tenants' application to recover the \$100.00 filing fee.

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: February 15, 2017

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Residential Tenancy Branch