



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MND, FF

Introduction

The matter was set for a hearing at 1.30 p.m. on this date to hear the landlord's application. The hearing went ahead as scheduled the tenant dialed into the conference call. The line remained open for 10 minutes; however, no one for the landlord dialed into the call.

Analysis and Conclusion

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:
Commencement of Hearing: The Dispute Resolution Hearing will commence at the scheduled time unless otherwise set by the Arbitrator. Rule 7.3 provides for the consequences of not attending the hearing and states: 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 reapply.

Based on the above I find that the landlord has failed to attend the hearing to present the merits of their application, and the tenant did attend and was ready to proceed. The landlord's application is therefore dismissed without leave to reapply.

The tenant requested the return of her security deposit at the hearing but confirmed she only provided her forwarded address by text message and not in writing. The tenant was directed to s. 38(1)(b) of the *Act* which says the tenant must provide a forwarding address in writing to the landlord. The tenant must therefore comply with s. 38(1)(b) before filing her own application for dispute resolution to recover her security deposit.

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: March 15, 2017

Residential Tenancy Branch