



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing convened as a result of Tenant's Application for Dispute Resolution wherein the Tenants requested return of their security deposit.

The hearing was conducted by teleconference on May 30, 2017. Only the Landlord, J.S., and the building manager, C.G., called into the hearing. I waited until 10 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing and the Tenants did not call in.

The Landlord, J.S., confirmed that he did not receive the Tenants' application materials and was therefore unaware of the reason for the hearing. He further stated that the only information he had regarding this hearing was a copy of the Notice of Dispute Resolution Hearing dated November 30, 2016.

The Landlord also stated that the Tenants failed to provide a forwarding address in writing, moved out with only two days' notice and failed to pay the last month's rent.

Rule 7 of the *Residential Tenancy Branch 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.

As the Applicants did not call into the hearing by 1:40 p.m., and the Respondents appeared and were ready to proceed, I dismiss the Applicants' claim without leave to reapply.

The Tenants request for return of their deposit is dismissed; therefore I authorize the Landlords to retain the Tenants' security deposit in the amount of \$325.00.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: May 30, 2017

Residential Tenancy Branch