



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MND, MNR, MNSD, FF

### **Introduction**

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed December 2, 2016, wherein the Landlord sought monetary compensation from the Tenant.

This matter was set for hearing by telephone conference call at 12:00 on this date. The Respondent Tenant called into the hearing. The Applicant Landlord did not. I waited until 11 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.

As the Applicant did not call into the hearing, and the Respondent called in and was ready to proceed, I dismiss the Applicant's claim without leave to reapply.

As the Landlord's claim to retain the security deposit has been dismissed, I Order that the Landlord return the Tenant's security deposit within fifteen (15) days of receipt of this Decision. Should the Landlord fail to return the deposit as Ordered the Tenant is at liberty to apply for double the security deposit pursuant to section 38 of the *Residential Tenancy Act*.

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: June 14, 2017

---

Residential Tenancy Branch