



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER LUXURY REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNDC, MNR, MNSD, FF

This hearing dealt with applications from both the landlord and the tenant under the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

The tenant applied for:

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- a monetary order for the return of double the security deposit pursuant to section 38 and 67 of the *Ac*.

The landlord's agents (the landlord) attended the hearing via conference call and provided affirmed testimony. The tenant did not attend or submit any documentary evidence. The landlord clarified that the named tenant was not the actual tenant with the landlord, but was instead the mother and trustee of the named tenant, J.T. who was deceased. The landlord stated that the tenant was served via Canada Post Registered Mail on April 7, 2017 and provided undisputed affirmed testimony that an online search of the Canada Post Website shows that the tenant signed in receipt of the package on April 10, 2017. The landlord also stated that the first documentary evidence package was served to the tenant via Canada Post Registered Mail on April 7, 2017 for which an online search revealed that the tenant signed in receipt of the package on April 10, 2017. The landlord also stated that the second documentary evidence package was served to the tenant via Canada Post Registered Mail on July 28, 2017 for which an online search revealed that the tenant had signed in receipt of the package. I accept the undisputed affirmed evidence of the landlord and find that both parties have been sufficiently served as per section 90 of the *Act*.

This matter was set for a conference call hearing at 1:00 p.m. on this date. The tenant did not attend. The landlord's agents (the landlord) attended the hearing via conference call and

provided undisputed affirmed testimony. The landlords confirmed that they were served with the tenant's application for dispute and that they were aware of the listed issue(s).

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.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the tenant's application dismissed without leave to reapply after waiting 28 minutes past the start of the scheduled hearing time. I make no findings on the merits of the matter.

During this time, the landlord's agents informed me that they wish to cancel the landlord's application for dispute. As such, no further action is required.

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: August 30, 2017

Residential Tenancy Branch