



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution wherein the Landlord sought authority to retain the Tenant's security deposit as well as recovery of the filing fee.

The matter was set for hearing by telephone conference call at 2:30 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing was the Tenant.

Analysis and Conclusion

Rule 7 of the *Residential Tenancy Branch Rules of Procedure* provides as follow:

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.

The Landlord failed to call into the hearing; therefore, I dismiss her claim without leave to reapply.

As the Landlord's claim to retain the Tenant's security and pet damage deposit has been dismissed, she must return the Tenant's deposit to her. Should the Landlord not return the Tenant's security and pet damage deposit by October 15, 2017, the Tenant may apply for return of double the deposits paid. The parties are reminded to consider the provisions of *Residential Tenancy Policy Guideline 17—Security Deposit and Set Off* as it relates to such claims.

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: September 28, 2017

Residential Tenancy Branch