



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, MNSD, FF

On July 10, 2017 a hearing was conducted via the conference call between these two parties. The landlord served the tenants individually by registered mail on January 21, 2017 with the notice of hearing package and the submitted documentary evidence seeking a monetary order for unpaid rent, for compensation for damage or loss, to retain all or part of the security deposit and recovery of the filing fee. The tenants did not attend the hearing or submit any documentary evidence. The landlord was granted a monetary order and authorization to offset this claim against the combined security and pet damage deposits and recovery of the filing fee. The tenants applied for a review of this decision. An arbitrator ordered the decision and accompanying order suspended pending a review hearing for the landlord's and the tenants' application(s).

This is a review hearing granted for the landlord's and the tenant's application(s) pursuant to the *Residential Tenancy Act*. The landlord applied for:

- a monetary order for unpaid rent 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;
- a monetary order for unpaid rent and for damage to the unit, site or property pursuant to section 67;
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenants applied for:

- a monetary order for the return of double the security deposit pursuant to section 38 and 67 of the Act.

Pursuant to sections 58 and 82 of the *Act*, I was designated to conduct a new hearing of the landlord's and the tenants' application(s). This matter was set for a conference call hearing at 9:00 a.m. on this date. The landlord attended the hearing via conference call

and provided undisputed affirmed testimony. The tenants did not attend or submit any documentary evidence. I waited until 9:12 a.m. to enable the tenants to participate in this scheduled for 9:00 a.m.

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 the tenants attending this hearing and in accordance with section 82(3) of the *Act*, I confirm the original decision and Order dated July 11, 2017.

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: January 31, 2018

Residential Tenancy Branch