



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed July 10, 2017, wherein the Tenant sought return of his security deposit, monetary compensation for money owed or compensation for damage or loss under the *Residential Tenancy Act*, the *Residential Tenancy Regulation* and the residential tenancy agreement, and recovery of the filing fee.

This matter was set for hearing by telephone conference call at 3:00 p.m. on this date. I waited until 15 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing and the only person who called into the hearing was the Respondent Landlord.

Rule 7 of the *Residential Tenancy Branch Rules of Procedure* provides in part as follows:

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 Tenant did not call into the hearing by 3:15 p.m., and the Landlord appeared and was ready to proceed, **I dismiss the Tenant's claim without leave to reapply.**

Accordingly, and pursuant to section 38(4)(b) of the *Residential Tenancy Act*, I order that the Landlord may retain the Tenant's security deposit.

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: January 2, 2018

Residential Tenancy Branch