



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MDRL-S, MNDL-S, FFL

Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the landlord's application for:

- a Monetary Order for unpaid rent pursuant to section 67 of the *Act*;
- a Monetary Order for damages to the premises pursuant to section 67 of the *Act*;
- an Order allowing the landlord to retain the security deposit pursuant to section 38 of the *Act*; and
- recovery of the filing fee from the tenants pursuant to section 72 of the *Act*.

Only the landlord's agent attended the hearing. The tenants did not attend the hearing, although I left the teleconference connection open until 9:45 AM to enable the tenants to call into the hearing scheduled for 9:30 AM. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord's agent and I were the only ones who had called into this teleconference.

The landlord's agent was given a full opportunity to be heard, to present affirmed testimony, to make submissions and, to call witnesses.

Issue(s) to be Decided

Is the landlord entitled to:

- a Monetary Order for unpaid rent pursuant to section 67 of the *Act*;
- a Monetary Order for damages to the premises pursuant to section 67 of the *Act*;

- an Order allowing the landlord to retain the security deposit pursuant to section 38 of the Act; and
- recovery of the filing fee from the tenants pursuant to section 72 of the *Act*.

Background and Evidence

At the outset of the hearing the agent for the landlord stated that he wished to withdraw the Application and would not be tendering any evidence. The landlord's agent confirmed that he had not received the written consent of the tenants nor had he provided them with written notice of the intent to withdraw the Application.

Analysis and Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states if a party or their agent fails to attend a 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.

As the tenants had not called into the conference call by 9:45 AM, and the landlord's agent did not present any evidence on the merits of the Application, it is hereby **dismissed with leave to reapply**. However, this does not extend any applicable time limits under the *Act* and I have made no findings of fact or law with respect to the merits of this Application.

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: June 18, 2018

Residential Tenancy Branch