



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FFT

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- authorization to obtain a return of the security deposit pursuant to section 38 of the *Act*, and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

The landlord appeared at the date and time set for the hearing of this matter. The tenants did not attend this hearing, although I left the teleconference hearing connection open until 1:42 p.m. in order to enable the tenants to call into this teleconference hearing scheduled for 1:30 p.m. 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 and I were the only ones who had called into this teleconference.

Rule 7.3 of the Rules of Procedure provides as follows:

**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 reapply.

Accordingly, in the absence of any evidence or submissions from the tenants who were the applicants in this matter, I order the application dismissed without liberty to reapply.

Issue(s) to be Decided

Are the tenants entitled to the return of their security deposit?

Are the tenants entitled to an additional amount equivalent to their security deposit for the landlord's failure to comply with the *Act*?

Are the tenants entitled to recover their filing fee for this application?

Conclusion

As noted above, I dismiss the tenants' application in its entirety, without leave to reapply.

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 11, 2018

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Residential Tenancy Branch