



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD

### Introduction

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

- the return of a security deposit and an amount equivalent to the security deposit pursuant to section 38 of the *Act*.

The respondent appeared at the date and time set for the hearing of this matter. The applicant did not attend this hearing, although I left the teleconference hearing connection open until 1:41 p.m. in order to enable the applicant 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 Dispute Resolution Proceeding. I also confirmed from the teleconference system that the respondent 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.

The respondent explained that the subject rental unit in this application is a motel room, and therefore there may be a jurisdictional issue in this matter.

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

Issue(s) to be Decided

Is there jurisdiction for this matter under the *Act*? And if so, is the applicant entitled to the return of a security deposit?

Conclusion

As noted above, I dismiss this application in its entirety, without leave to reapply. I have not considered the merits of the application, and note that the onus to prove the *Act* has jurisdiction over this dispute lies with the applicant.

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 28, 2018

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Residential Tenancy Branch