



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD

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

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

This matter was set for a conference call hearing at 1:00 p.m. on this date. Both parties failed to attend the hearing by way of conference call. 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. A review of the Residential Tenancy Branch file revealed that although the hearing was scheduled for 1:00 p.m. the Notice of Hearing provided for both parties was scheduled for 1:30 p.m. using the codes for 1:00 p.m. A Senior Information Officer, B.L. attempted to call both participants. The Tenant/Applicant's call went to a voice mail which was full, not allowing any further messages. The Landlord/Respondent was called and a message left to use the proper 1:30 p.m. code. At 1:30 p.m. both the Arbitrator and the Senior Information Officer called into the hearing using each of the two codes. Repeated attempts were made during the call to determine if a second party was on the line with no success. After waiting 11 minutes past the start of the hearing time of 1:30 p.m., neither party was present on either line. I confirmed that the correct call-in numbers had been provided in the Notice of Hearing. I also confirmed from the teleconference system that only one person had called into each teleconference call.

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 any evidence or submissions from either party and in the absence of both parties participation in this hearing, I order the application dismissed with leave to reapply. I make no findings on the merits of the matter. Leave to reapply is not an extension of any applicable limitation period.

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 25, 2018

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Residential Tenancy Branch