



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the "Act"), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- a Monetary Order for return of the security deposit pursuant to section 38; and
- recovery of the filing fee for the application from the landlord pursuant to section 72.

This matter was set for hearing by telephone conference call at 1:30 pm on July 17, 2018. The line remained open while the phone system was monitored for fifteen minutes and no participant called into the hearing during this time. The phone lines were confirmed to be functioning normally. The Notice of Hearing was confirmed to provide the correct phone numbers and access codes to call into the conference call.

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, as neither the applicant nor the respondent attended the hearing by 1:45pm and **in the absence of any evidence or submissions I order the application dismissed without leave to reapply**. I make no findings on the merits of the matter. The issuance of this decision does not extend any applicable deadlines under the Act.

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: July 18, 2018

Residential Tenancy Branch