



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD, FFT

Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) for monetary compensation, for the return of the security deposit, and for the recovery of the filing fee paid for this application.

Legal counsel for the Landlord called into the teleconference hearing, and was present with the Landlord and the Landlord’s spouse. No one called in for the Tenant during the approximately 10 minutes that the phone line remained open.

Legal counsel for the Landlord confirmed that the Landlord received the Notice of Dispute Resolution Proceeding package in their mailbox and that they received the Tenant’s evidence package by registered mail, although it was received one day prior to the hearing.

Issues to be Decided

Is the Tenant entitled to monetary compensation?

Is the Tenant entitled to the return of the security deposit?

Should the Tenant be awarded the recovery of the filing fee paid for the Application for Dispute Resolution?

Background and Evidence

As this was the Tenant's Application for Dispute Resolution, and the Tenant did not attend, the hearing did not continue. No testimony or evidence was provided regarding the tenancy or the claims of the Application for Dispute Resolution.

Analysis

I refer to Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, which states that if a party fails to attend the hearing, the hearing may continue in their absence or be dismissed. As this was the Tenant's Application, the hearing did not continue in the absence of the Tenant.

I also find no evidence that the Tenant attempted to cancel the hearing, or that there were any errors with the hearing information, as the Landlord was able to call into the hearing. The Tenant's Application is dismissed, without leave to reapply.

Conclusion

The Application for Dispute Resolution is dismissed, 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: October 26, 2018

Residential Tenancy Branch