



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Decision Codes: FFL, MNDL-S

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. A monetary order in the sum of \$2543 for damages to the rental unit
- b. An order to keep the security deposit.
- c. An order to recover the cost of the filing fee

The applicant landlord failed to contact the telephone bridge number at the scheduled time for the hearing. The respondent tenant was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the landlord to call in. The landlord failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The tenant was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

The applicant has the burden of proof.

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 re-apply.

As the applicant landlord failed to appear I order the application be dismissed without liberty to reapply. I determined it was not appropriate to make an order with regard to the security deposit as it is unclear whether the tenant's right to the return of the security deposit has been extinguished. The tenant has a right to file a claim for the return of the security deposit.

This decision is final and binding on the parties.

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: September 18, 2018

Residential Tenancy Branch