



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) for the return of the security deposit.

An advocate for the Tenant was present on the teleconference hearing, while no one called in for the Tenant or the Landlord. The advocate for the Tenant confirmed that the Tenant was aware of the hearing information and that the Notice of Dispute Resolution Proceeding package was sent to the Landlord by registered mail. The advocate provided the registered mail tracking number which confirmed delivery to the Landlord on March 6, 2018. The registered mail tracking number is included on the front page of this decision.

Neither the Tenant nor the Landlord called into the hearing during the approximately 13 minutes that the phone line remained open.

Issues to be Decided

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

Background and Evidence

The advocate attended the hearing to support the Tenant, but was not in a position to provide testimony or present evidence on the tenancy. As such, no information on the Tenant’s claim was gathered from the advocate.

Analysis

In accordance with Rule 7.4 of the *Residential Tenancy Branch Rules of Procedure*, evidence must be presented by the party who submitted it and was therefore not considered in the absence of the Tenant.

If a party does not attend the hearing, as per Rule 7.3 of the *Rules of Procedure*, the hearing may continue in their absence, or the application may be dismissed. As the Tenant's advocate attended the hearing to support the Tenant and not act as an agent for the Tenant, the hearing was unable to continue without the Tenant or Landlord present. Therefore, I dismiss the Tenant's application with leave to reapply.

Conclusion

The application is dismissed with leave to reapply. This does not extend any applicable timelines under the *Residential Tenancy 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: September 24, 2018

Residential Tenancy Branch