Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, FFL;   MNSD

Introduction

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

- a monetary order for compensation for damage or loss under the *Act, Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- authorization to retain the tenant's security deposit, pursuant to section 38; and
- authorization to recover the filing fee for their application, pursuant to section 72.

This hearing also dealt with the tenant's cross-application pursuant to the *Act* for:

- authorization to obtain a return of the security deposit, pursuant to section 38.

Neither party attended at the appointed time set for the hearing, although I waited until 1:41 p.m. to enable them to participate in this hearing scheduled for 1:30 p.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that I was the only person who had called into this teleconference.

Rule 7.3 of the Residential Tenancy Branch *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.

Accordingly, **in the absence of anyone attending this hearing, I order both applications dismissed with leave to reapply**. I make no findings on the merits of both claims. Leave to reapply is not an extension of any applicable limitation periods.
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 22, 2018

Residential Tenancy Branch