



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SQUAMISH HOWE SOUND REALTY LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDL-S, MNRL-S, MNDCL-S, FFL

Introduction

I was designated to hear this matter pursuant to section 58 of the *Residential Tenancy Act* (the *Act*). The landlord applied for the following:

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover their filing fee for this application from the tenants pursuant to section 72.

The Respondents called into this teleconference hearing at the date and time set for the hearing of this matter. The Applicant did not, although I waited until 9:42 a.m. to enable them to connect with this teleconference hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Respondent DT (the Respondent) and I were the only persons who had called into this teleconference.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

At the hearing, Respondent DT (the Respondent) gave undisputed sworn testimony that they only learned of this hearing when they received an email from the Residential Tenancy Branch. The Respondent testified that they had not received a copy of the

landlord's dispute resolution hearing package, the landlord's application for dispute resolution or the landlord's written evidence from the landlord. As the landlord has not supplied any written evidence to demonstrate service of these documents to the tenants, and the landlord/Applicant did not attend this hearing, **I order the application dismissed with liberty to reapply.**

Conclusion

I dismiss the landlord's application with 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: November 05, 2018

Residential Tenancy Branch