



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Decision Codes: MNDL-S, MNRL-S, FFL

### **Introduction**

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

- a. A monetary order in the sum of \$2000 for unpaid rent and damages
- b. An order to keep the security deposit.
- c. An order to recover the cost of the filing fee

The Landlord Applicant failed to appear at the scheduled start of the hearing which was 1:30 p.m. on November 19, 2018. The Tenant Respondent 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.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. The tenant testified the landlord failed to serve her with the Application for Dispute Resolution and she became aware of the application through the reminder system sent out by the Residential Tenancy Branch Registry.

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.

The Applicant failed to appear and failed to serve the Respondent with a copy of the Application for Dispute Resolution. In the circumstances I determined that it was appropriate to order that the application be dismissed with liberty to reapply. I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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 19, 2018

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Residential Tenancy Branch