



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TRU UPPER COLLEGE HEIGHTS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT MNSD

Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the tenant's application for:

- a return of the security deposit pursuant to section 38 of the *Act*, and
- a monetary award pursuant to section 67 of the *Act*.

While the respondent landlord, attended the hearing by way of conference call, the applicant tenant did not, although I waited until 1:40 P.M. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 P.M. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rule 7.1 of the Rules of Procedure provides as follows:

7.1 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 1:40 P.M. I excused the landlord from the hearing. At 1:42 P.M. the applicant tenant appeared on the line by way of conference call after I inadvertently remained on the line and failed to end the call. The tenant explained she had anticipated that the *Residential Tenancy Branch* would be calling her to allow her an opportunity to present her application.

Analysis

As I had already excused the landlord from the hearing, I find it would have been prejudicial to hear or consider any portion of the tenant's application.

The tenant failed to attend the hearing at the designated time, while the respondent landlord was prepared to speak to the matter. I therefore dismiss the tenant's application with leave to reapply.

Conclusion

In the absence of the tenant's participation in this hearing, I order the application dismissed with liberty 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: December 07, 2018

Residential Tenancy Branch