

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNSD FFT

Introduction

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

- a return of the security deposit pursuant to section 38 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

While the respondent landlord, attended the hearing by way of conference call, the applicant tenants did not, although I waited until 1:40 P.M. in order to enable the tenants 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.

Conclusion

In the absence of the tenants' participation in this hearing, I order the application dismissed without liberty to reapply. The landlord is directed to retain the security deposit.

The tenants must bear the cost of their own filing fee.

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: January 29, 2019

Residential Tenancy Branch