



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CORNERSTONE PROPERTIES
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **FFT MNSD**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order for the return of a security deposit pursuant to section 38; and
- An order to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend this hearing which lasted for six minutes from 1:30 P.M. to 1:36 P.M. The landlord was represented by its agent RW who testified that he had not been served with the tenant's Application for Dispute Resolution Proceedings or notice of the hearing. He testified that he was informed of this hearing by receiving an email from the Residential Tenancy Branch on January 29, 2019.

Preliminary Issue

Rule 7.3 of the Rules of Procedure provides that 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. Rule 7.4 states that evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend to present evidence, any written submissions supplied may or may not be considered.

The tenant did not attend the hearing which was scheduled by conference call at 1:30 p.m. As the tenant did not attend, he did not present evidence regarding the merits of his claim for me to consider.

Consequently, I dismiss the tenant's application without leave to reapply.

As the tenant was not successful in his claim, he will not recover his 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: February 28, 2019

Residential Tenancy Branch