



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) for the return of a security deposit.

The initial hearing was scheduled for January 11, 2019 and was reconvened to be heard on February 25, 2019 at 11:00 am. The Tenant, a family member of the Tenant and the Landlord were present for the initial teleconference hearing. Neither party called into the reconvened hearing during the 10 minutes that the phone line was monitored.

Following the hearing, the family member of the Tenant contacted the Residential Tenancy Branch to state that they called into the hearing at 11:00 am and remained on hold. However, it was confirmed that the incorrect participant code was used.

The Notice of Dispute Resolution Proceeding regarding the adjourned hearing was emailed to the Landlord and the Tenant on January 14, 2019 and it was confirmed that the correct date, time and participant codes were provided on the notice. As such, I find that both parties were informed of the time and date for the reconvened hearing, as well as provided with the correct information to call into the teleconference hearing.

### Issue to be Decided

Is the Tenant entitled to the return of the security deposit?

### Background and Evidence

No testimony regarding the Tenant's claim was heard at the initial teleconference hearing as the hearing was adjourned at the request of the Landlord and with the agreement of both parties. As neither party attended the reconvened hearing, no further testimony or evidence was heard.

### Analysis

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* states that in the absence of a party, the hearing may be conducted in their absence or the dispute dismissed, with or without leave to reapply. As stated in rule 7.10 of the *Rules of Procedure*, attendance at a reconvened hearing is mandatory and the hearing may continue, commence or conclude in the absence of a party.

As stated, both parties were sent the Notice of Dispute Resolution Proceeding regarding the adjourned hearing on January 14, 2019 and the information provided on the notice was confirmed to be accurate. Neither party attended the reconvened hearing. The Tenant's Application for Dispute Resolution is dismissed, without leave to reapply.

### Conclusion

The Application for Dispute Resolution is dismissed, without 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: February 26, 2019

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Residential Tenancy Branch