



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## 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 landlord to return all or part of a security deposit pursuant to section 38; and
- Recovery of the filing fee for this application pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference connection open until 1:42 P.M. to enable the tenant to call into this hearing scheduled for 1:30 P.M. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

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. The landlord acknowledges receiving the notice of dispute resolution proceedings filed by the tenant well in advance of the hearing.

### Issue(s) to be Decided

Is the tenant entitled to an order for the landlord to return all or part of the security deposit and recovery of the filing fee for this application?

### Analysis

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, she did not present evidence regarding the merits of her claim for me to consider.

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

As the tenant was not successful in her claim, she will not recover the filing fee.

#### Conclusion

The tenant's application is dismissed.

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: March 11, 2019

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Residential Tenancy Branch