



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1110008 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FFL, MNDL-S, MNRL-S

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on March 8, 2019, wherein the Landlord sought monetary compensation from the Tenant in the amount of \$33,976.38, authority to retain the Tenant's security deposit and recovery of the filing fee.

The hearing of the Landlord's Application was scheduled for teleconference at 1:30 p.m. on June 27, 2019. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time were the Respondent's legal counsel.

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 Tenant's legal counsel and I were the only ones who had called into this teleconference.

Counsel for the Tenant, W.S., stated that the matter had been resolved by mutual agreement. He further advised that the Landlord communicated to the Tenant's legal counsel, that he would advise the Residential Tenancy Branch of the settlement and cancel the hearing. A review of Branch records indicates no such communication was received. W.S. confirmed that in the abundance of caution, counsel for the Tenant called into the teleconference hearing.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*; Rules 7.1 and 7.3 provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

Consequences of not attending the hearing

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.

As the Landlord did not call into the hearing by 1:40 p.m., and the Tenant's counsel appeared and were ready to proceed, **I dismiss the Landlord's claim without leave to reapply.**

This Decision is final and binding on the parties, except as otherwise provided under the Act, and 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: June 27, 2019

Residential Tenancy Branch