



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, MNDL-S, FFL

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on December 21, 2018, in which the Landlord sought monetary compensation from the Tenants in the amount of \$10,607.67 for damage to the rental unit, authority to retain the Tenants' security deposit and recovery of the filing fee.

The hearing was conducted by teleconference at 1:30 p.m. on April 12, 2019. The hearing did not complete on that date and was adjourned to 9:30 a.m. on June 4, 2019. The hearing also did not complete on June 4, 2019 and was adjourned to 11:00 a.m. on July 16, 2019. Both parties called into the hearings on April 12, 2019 and June 4, 2019 and were provided the opportunity to present their evidence orally and in written and documentary form and to make submissions to me.

When the hearing reconvened on July 16, 2019, only the Tenants and their witness called into the hearing. The Landlord did not call into the July 16, 2019s hearing, although I left the teleconference hearing connection open until 11:12 a.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 Tenants and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are governed by 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 Applicant Landlords did not call into the continuation of the hearing on July 16, 2019 by 11:12 a.m., and the Respondent Tenants 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: July 16, 2019

Residential Tenancy Branch