



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FFT

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. A monetary order in the sum of \$1200 for the security deposit.
- b. An order to recover the cost of the filing fee.

The Applicant failed to appear at the scheduled start of the hearing which was 1:30 p.m. on July 25, 2019. The Respondent was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the scheduled start time in order to enable the tenant to call in. The tenant failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The Respondent was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

The Respondent testified the Applicant and three others entered into a month to month tenancy agreement that provided that the tenancy would start on December 2, 2019. The rent was \$2400. The four tenants paid a security deposit of \$1200 at the start of the tenancy. The tenancy ended on March 2, 2019 after the tenants gave notice. They have caused significant damage to the rental property.

The Applicant has the burden of proof.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 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 a result I ordered the **application dismissed without liberty to reapply.**

This decision is final and binding on the parties.

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: July 25, 2019

Residential Tenancy Branch