Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNDCT, MNSD, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant ("Application") seeking remedy under the *Residential Tenancy Act* ("Act") for a monetary order in the amount of $17,900.00, plus return of all or part of her $700.00 security deposit, and recovery of the $100.00 Application filing fee.

The Tenant was provided with a copy of the Notice of a Dispute Resolution Hearing on June 22, 2019; however, the Tenant did not attend the teleconference hearing scheduled for September 27, 2019 at 1:30 p.m. (Pacific Time). The phone line remained open for 12 minutes and was monitored throughout this time. The only person to call into the hearing was the Respondent Landlord, H.K., who indicated that she was ready to proceed. The Landlord advised that the Tenant did not serve her with the Application, Notice of Hearing or any documentary evidence. The Landlord found out about the hearing through other means.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the Arbitrator. The Respondent Landlord and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 1:30 p.m. on September 27, 2019, as scheduled.

Rule 7.3 states 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 reapply. The teleconference line remained open for 12 minutes; however, neither the Applicant nor an agent acting on her behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3 and Policy Guideline #12, I **dismiss the Tenant's Application without leave to reapply**.

Conclusion

The Tenant's Application is dismissed without leave to reapply, because: (a) the Tenant or an Agent for the Tenant did not attend the hearing to present the merits of the Application; and (b) the Tenant did not serve the Application and documentary evidence on the Landlord pursuant to the Act. The Respondent Landlord did attend the hearing.

This Decision does not extend any applicable time limits under the Act.

This Decision will be emailed to the address provided by the Landlord during the hearing and to the email address provided by the Tenant in the Application.

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: September 27, 2019

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Residential Tenancy Branch