



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT MNDCT MNSD RPP

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- return of the security deposit pursuant to section 38 of the *Act*;
- an order for the landlord to return personal property pursuant to section 62 of the *Act*;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement, pursuant to section 67 of the *Act*; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

The landlord, who was the respondent in this matter, attended at the date and time set for the hearing of this matter. The tenants, who were the applicants, did not attend this hearing, although I left the teleconference hearing connection open until 9:43 a.m. in order to enable the tenants to call into this teleconference hearing scheduled for 9:30 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 landlord and I were the only ones who had called into this teleconference.

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.

Accordingly, in the absence of any testimony from the tenants who were the applicants in this matter, I order the tenants' application, in its entirety, dismissed without liberty to reapply.

Issue(s) to be Decided

Is the tenant entitled to the return of the security deposit?

Should the landlord be ordered to return personal property to the tenant?

Is the tenant entitled to a monetary award for the landlord's failure to comply with the *Act*, regulations and/or tenancy agreement?

Is the tenant entitled to recover the filing fee for this application?

Conclusion

The tenants' application for dispute resolution is dismissed in its entirety without leave to reapply.

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: October 25, 2019

Residential Tenancy Branch