



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 dealt with an Application for Dispute Resolution (“Application”) by the Landlord seeking remedy under the *Residential Tenancy Act* (“Act”) for a monetary order in the amount of \$1,931.10, retaining the Tenant’s security and pet damage deposits for this claim. The Landlord also applied to recover the \$100.00 Application filing fee.

The Landlord was provided with a copy of the Notice of a Dispute Resolution Hearing by the Residential Tenancy Branch (“RTB”) on December 13, 2019; however, the Landlord did not attend the teleconference hearing scheduled for May 12, 2020 at 1:30 p.m. (Pacific Time). The phone line remained open for ten minutes and was monitored throughout this time. The only person to call into the hearing was the Respondent Tenant, who indicated that she was ready to proceed.

Rule 7.1 of the RTB Rules of Procedure (“Rules”) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Tenant and I attended the hearing on time and were ready to proceed; 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 May 12, 2020, 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 over ten 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, I **dismiss the Landlord’s Application without leave to reapply.**

Conclusion

The Landlord's Application is dismissed without leave to reapply, as neither the Landlord, nor an Agent acting on behalf of the Landlord attended the hearing to present the merits of the Application. The Respondent Tenant 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 Tenant during the hearing and to the mailing address provided by the Landlord 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: May 12, 2020

Residential Tenancy Branch