



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, MNRL-S, MNDCL-S

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on December 06, 2019 (the “Application”). The Landlord sought:

- To recover unpaid rent;
- Compensation for my monetary loss or other money owed;
- To keep the security and/or pet damage deposits; and
- Reimbursement for the filing fee.

The Landlord did not appear at the hearing. The Tenants did appear. Tenant S.B. provided her correct last name which is included in the style of cause.

The Tenants advised that the Landlord never served them with a hearing package or evidence for this matter and that the Tenants found out about the hearing through an email reminder from the RTB about the hearing.

The Tenants advised that the Landlord still holds their deposits. The Tenants advised that they sent the Landlord their forwarding address last week and it was delivered May 01, 2020.

I waited 10 minutes to allow the Landlord to call into the hearing. I confirmed from the teleconference system that the Tenants and I were the only people who had called into this teleconference.

Rule 7.3 of the Rules of Procedure state:

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.

The Landlord did not appear at the hearing. The Tenants did appear to respond to the Application. Given the Landlord did not appear, the Application is dismissed without leave to re-apply.

I have not dealt with the deposits because the Tenants advised that they provided their forwarding address to the Landlord last week and it was delivered May 01, 2020. I find it would be premature to deal with the deposits given the 15-day timeline for dealing with the deposits as set out in section 38(1) of the *Residential Tenancy Act* (the “*Act*”) has not yet passed.

It is open to the Tenants to file an Application for Dispute Resolution for return of the deposits if the Landlord fails to comply with the *Act*.

Conclusion

The Application is dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: May 07, 2020

Residential Tenancy Branch