



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **OPL, FFL, MNDL-S, MNRL-S, MNDCL-S**

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, a monetary order for unpaid rent, damages and other money owed, to retain the security deposit in partial satisfaction of the claim and to recover the cost of the filing fee.

This matter was set for hearing by telephone conference call at 11:00 A.M on June 4, 2020. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the tenant. Therefore, as the landlord did not attend the hearing by 11:10 A.M, and the tenant appeared and was ready to proceed, **I dismiss the landlord's claim without leave to reapply.**

In normal circumstance when the landlord's claim is dismissed without leave to reapply, I would order the return of the security deposit; however, as the landlord's application was filed on April 20, 2020, prior to the tenant vacating, I am uncertain if the tenant provided the landlord with their forwarding address in compliance with section 38 of the Act. Therefore, I have not ordered the return of the security deposit at today's hearing. The tenant is at liberty to make their own application once they have complied with section 38 of the Act.

### Conclusion

The landlord's application is dismissed 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: June 05, 2020

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Residential Tenancy Branch