



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, MNDCL, MNRL-S

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on June 11, 2020 (the “Application”). The Landlord applied as follows:

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

The Tenant appeared at the hearing. The Landlord did not appear at the hearing. I waited 10 minutes to allow the Landlord to call into the hearing; however, the Landlord did not do so.

The Tenant advised that he is not seeking return of the security or pet damage deposits.

Rule 7.3 and 7.4 of the Rules of Procedure (the “Rules”) state:

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party’s agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

The Landlord did not appear at the hearing. The Tenant did appear and was prepared to address the Application. Given the Landlord did not appear to provide a basis for the Application, or present evidence in relation to the Application, the Application is dismissed without leave to re-apply.

Policy Guideline 17 states:

1. The arbitrator will order the return of a security deposit, or any balance remaining on the deposit, less any deductions permitted under the Act, on:

- a landlord's application to retain all or part of the security deposit; or
- a tenant's application for the return of the deposit.

unless the tenant's right to the return of the deposit has been extinguished under the Act. The arbitrator will order the return of the deposit or balance of the deposit, as applicable, whether or not the tenant has applied for dispute resolution for its return.

Pursuant to Policy Guideline 17, I would usually have considered whether the Tenant is entitled to return of the security and pet damage deposits. However, the Tenant advised that he is not seeking return of these and therefore I did not consider this issue and have not made a decision about return of the deposits.

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: July 16, 2020

Residential Tenancy Branch