



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC-S, FF

Introduction, Preliminary and Procedural Matters-

This matter convened by teleconference on June 22, 2020 to deal with the landlord's application for compensation for a monetary loss or other money owed, authority to keep the tenant's security deposit to use against a monetary award, and recovery of the filing fee.

Neither the landlord nor the tenant attended the original hearing; however, a party appeared who said they represented the interests of the landlord.

At that hearing, I determined that the party appearing for the landlord failed to provide sufficient or convincing evidence that she had the landlord's authority to represent them at the hearing.

I adjourned the hearing in order for the party appearing for the landlord to provide signed authority from the landlord allowing them to represent the landlord in this dispute resolution.

In an Interim Decision dated June 22, 2020, I also wrote that without the signed authority, I would not proceed with the hearing and would dismiss the landlord's application.

That Decision should be read in conjunction with this final Decision.

I note that there was no testimony or evidence presented at the original hearing on June 22, 2020. The parties were notified of the date and time for the reconvened hearing by email.

The reconvened hearing began at 9:30 a.m. Pacific Time on Tuesday, July 28, 2020, as scheduled and the telephone system remained open and was monitored for 11 minutes. During this time, neither party attended. I confirmed that the conference codes were correct and that I was the only person on the teleconference line for the entire 11 minutes.

The Residential Tenancy Branch Rules of Procedure (Rules) provide 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.

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.

Accordingly, **in the absence of any evidence or submissions, I order the application dismissed without leave to reapply, as the hearing had commenced and neither party, including the original representative attended.**

Although the landlord applied for authority to retain the tenant's security deposit and I have now dismissed the landlord's application, I do not order the security deposit be returned to the tenant as there was no clear evidence that the tenant has provided their written forwarding address.

The tenant is at liberty to make their own application for the return of their security deposit.

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: July 28, 2020

Residential Tenancy Branch