



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSDS-DR

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for an order for the landlord to return the security deposit, pursuant to section 38 of the *Act*.

I left the teleconference connection open until 1:43 P.M. to enable the tenant (applicant) to call into this teleconference hearing scheduled for 1:30 P.M. The tenant did not attend the hearing.

The landlord affirmed he did not receive the tenant's application, evidence or any document from the tenant. The landlord received an e-mail from the Residential Tenancy Branch with an alert about the deadline to submit evidence. The landlord called the Residential Tenancy Branch and obtained a copy of the notice of hearing.

Rules 7.1 and 7.3 of the Rules of Procedure provide as follows:

#### **Rule 7 – During the hearing**

##### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

##### **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.

Accordingly, in the absence of any attendance at this hearing by the applicant I order the application dismissed without leave to reapply.

### Conclusion

I dismiss the tenant's application 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: October 06, 2020

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Residential Tenancy Branch