



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL, FFL

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for compensation for monetary loss or other money owed in the amount of \$2,500.00, and to recover the \$100.00 cost of her Application filing fee.

The Landlord was provided with a copy of the Notice of a Dispute Resolution Hearing on June 30, 2020; however, the Landlord did not attend the teleconference hearing scheduled for October 19, 2020 at 1:30 p.m. (Pacific Time). The phone line remained open for over 20 minutes and was monitored throughout this time. The only person to call into the hearing was the respondent Tenant, ("Z.G."), who indicated that he was ready to proceed.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Tenant and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 1:30 p.m. on October 19, 2020, as scheduled.

Rule 7.3 states that 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 reapply. The teleconference line remained open for over 20 minutes, however, neither the Applicant nor an agent acting on her behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Landlord's Application without leave to reapply.**

The Tenant is free to apply for dispute resolution for the return of any outstanding amount of the security deposit.

Conclusion

The Landlord's Application is dismissed wholly without leave to reapply, as the Landlord or an Agent for the Landlord did not attend the hearing to present the merits of the Application. The Respondent Tenant did attend the hearing.

This Decision does not extend any applicable time limits under the Act.

This Decision will be emailed to the address provided by the Tenant during the hearing and to the email address provided by the Landlord in the Application.

This Decision is final and binding on the Parties, except as otherwise provided under the Act, and 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 19, 2020

Residential Tenancy Branch