



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR FFT

Introduction

The tenant sought the return of her \$425.00 security deposit pursuant to sections 38 and 67 of the *Residential Tenancy Act* ("Act"). And, she sought recovery of the \$100.00 filing fee under section 72 of the Act.

The tenant filed an application for dispute resolution on September 18, 2020 and a hearing was held on December 10, 2020 at 9:30 AM. The landlord attended the hearing, but the tenant did not. At 9:40 AM the hearing ended.

Preliminary Issue: Non-Attendance of Applicant

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim. In this application, as the tenant failed to attend the hearing to present their claim, I find that they have not proven their case on a balance of probabilities. Accordingly, the tenant's application is dismissed.

Conclusion

I dismiss the tenant's application without leave to reapply.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: December 10, 2020

Residential Tenancy Branch