



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, FFL

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on October 8, 2020, wherein the Landlord requested monetary compensation from the Tenant for unpaid rent and damage to the rental unit, authority to retain the Tenant's security deposit, and recovery of the filing fee.

The hearing of the Landlord's Application was scheduled for 1:30 p.m. on December 21, 2020. The line remained open until 1:40 p.m. and the only participant who called into the hearing during this time was the Tenant. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Respondent and I were the only ones who had called into this teleconference.

The Tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As the Applicant, the Landlord bears the burden of proving their claim on a balance of probabilities. As the Landlord did not call into the hearing by 1:40 p.m., and the Tenant called in and was ready to proceed, I dismiss the Landlord's claim without leave to reapply. This includes dismissing the Landlord's request to retain the Tenant's security deposit; accordingly, the Landlord must return the \$600.00 deposit to the Tenant. In furtherance of this I grant the Tenant a Monetary Order in the amount of \$600.00. This Order must be served on the Landlord and may be filed and enforced in the B.C. Provincial Court (Small Claims Division).

The Tenant advised that she had filed her own Application for return of double the deposit. I have included the file number for that matter on the unpublished cover page of this my Decision and confirm that a hearing date has been set for March 12, 2021. As the Tenant's Application was not set to be heard at the same time as the Landlord's Application, I make no finding as to the Tenant's entitlement for double her deposit. She may pursue that claim at the hearing of her Application on March 12, 2021.

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: December 21, 2020

Residential Tenancy Branch