



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDB-DR

Introduction

On September 10, 2020, the Tenant submitted an Application for Dispute Resolution by way of an *ex parte* Direct Request Proceeding under the *Residential Tenancy Act* (the “Act”). The Tenant requested the return of the security deposit, and to be compensated for the cost of the filing fee. The Tenant’s evidence for the Direct Request was reviewed and found to be incomplete; therefore, the matter was set for a participatory hearing via conference call.

Preliminary Matters

This hearing was scheduled for a conference call hearing on this date.

Rule 7.1 of the *Residential Tenancy Branch - Rules of Procedure* stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

The Tenant was emailed a copy of the Notice of Dispute Resolution Proceeding by the Residential Tenancy Branch on October 2, 2020; however, did not attend the teleconference hearing set for today at 1:30 p.m. The only person to call into the hearing was the Landlord who indicated that they had returned the security deposit to the Tenant; however, were ready to proceed. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the only persons who had called into this teleconference was the Landlord and myself.

After keeping the phone line open for 16 minutes, I dismissed the Tenant’s Application without leave to reapply as the Tenant failed to attend the hearing to present the merits of their Application or, at the very least, cancel their scheduled hearing in advance of the hearing.

Analysis

I find that the Application for Dispute Resolution has been abandoned.

Conclusion

I dismiss the Application for Dispute Resolution 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: January 19, 2021

Residential Tenancy Branch