



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding VANCOUVER NATIVE HOUSING  
SOCIETY and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNSDS-DR, FFT

### Introduction

The tenant applied to have their security deposit returned pursuant to section 38 of the *Residential Tenancy Act* ("Act"). In addition, they sought recovery of the filing fee under section 72 of the Act. Two representatives for the landlord attended the hearing on February 25, 2021, while the tenant did not attend.

### Preliminary Issue: Applicant's Non-Attendance and Onus of Proof

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.

As the applicant did not attend the hearing in order to argue their case and provide evidence in support thereof, they have not proven the facts of their claim. Consequently, I dismiss the tenant's application without leave to reapply.

### Conclusion

**I hereby 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: February 25, 2021

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Residential Tenancy Branch