



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR, FFT

The tenant filed an Application for Dispute Resolution (the “Application”) on October 2, 2020 seeking an order granting a refund of the security deposit. Additionally, they applied for reimbursement of the Application filing fee.

The participatory hearing was convened after an adjudicator of this office determined that proof of the tenant’s service of the notice of the direct request (i.e., non-participatory) proceeding was not completed, with the required form blank. This generated a Notice of Hearing (participatory) sent to the Applicant tenant.

The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on February 12, 2021. The Respondent landlord attended the hearing; the Applicant tenant did not attend.

The landlord advised they did not receive notice of this hearing from the tenant. Instead they received an automated reminder message and contacted this office the day prior to inquire. The only learned of this hearing at that time. At the beginning of the hearing, they stated they received no evidence from the tenant.

The tenant did not attend the hearing, although I left the teleconference hearing connection open until 1:44 p.m. to enable them to call in to this teleconference hearing scheduled for 1:30 p.m.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed throughout the duration of the call that the tenant was not in attendance.

Rule 7.3 of the Rules of Procedure provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to reapply.

Issue(s) to be Decided

Is the tenant entitled to an Order granting a refund of the security deposit pursuant to section 38 of the *Act*?

Is the tenant entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Conclusion

In the absence of the tenant I dismiss their Application in its entirety and 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 *Act*.

Dated: February 12, 2021

Residential Tenancy Branch