



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction and Preliminary Matters

This hearing dealt with an Application for Dispute Resolution (application) by the tenants seeking remedy under the *Residential Tenancy Act* (Act) for a monetary order in the amount of \$3,200.00 for the return of their combined deposits.

The tenants were provided with a copy of the Notice of a Dispute Resolution Proceeding dated February 2, 2021 (Notice of Hearing) when they made their application. The tenants, however, did not attend the hearing set for this date, Tuesday, June 1, 2021 at 1:30 p.m. Pacific Standard Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only party to call into the hearing was landlord SN (landlord). The landlord was affirmed as testified that the combined deposits were already dealt with by way of the tenants surrendering the \$3,200.00 in combined deposits towards unpaid February 2021 rent (mutual agreement). A copy of the mutual agreement was submitted in evidence for my consideration. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Conclusion

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1 and 7.3 apply and state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.3 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.

Given the above and following the 10-minute waiting period, the application of the tenants was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act.

As the filing fee was already waived it is not granted.

This decision will be emailed to both parties. For the tenants it will be emailed to tenant CD, and for the landlords it will be emailed to landlord SN. Both email addresses were provided in the tenants' application.

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: June 1, 2021

Residential Tenancy Branch