



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MNSDB-DR, FFT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on November 27, 2020, wherein they sought return of the security deposit paid as well as recovery of the filing fee. The Tenant originally applied by way of direct request proceeding pursuant to section 38.1 of the *Residential Tenancy Act* (the "Act"). The Adjudicator adjourned the matter to a participatory hearing as she was not satisfied the Tenant served the Landlord in accordance with the *Residential Tenancy Branch Rules of Procedure* (the "Rules").

The participatory hearing of the Tenant's Application was originally scheduled before me on April 15, 2021. As I was not satisfied the Tenant served the Landlord in accordance with the *Act*, I also adjourned the matter by Interim Decision dated April 19, 2021.

The hearing reconvened at 9:30 a.m. on June 7, 2021. The line remained open while the phone system was monitored for ten minutes and no participant called into the hearing during this time. 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 I was the only person who had called into this teleconference.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. *Rules 7.1, 7.3 and 7.4* address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

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

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

As neither party called into the hearing by 9:40 a.m., and in the absence of any evidence or submissions from the parties, I dismiss the Tenant's claim with leave to reapply. I note this does not extend any applicable time limits under the *Act*.

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 7, 2021

Residential Tenancy Branch