



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

The tenant filed an Application for Dispute Resolution (the “Application”) on February 18, 2021 seeking to recover part or all of the security deposit. Additionally, they applied for reimbursement of the Application filing fee. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on July 8, 2021. In the conference call hearing I explained the process and provided the attending party the opportunity to ask questions.

The landlord attending the hearing confirmed that they received notice of this hearing. The tenant did not attend the hearing, although I left the teleconference hearing connection open until 1:48 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 s. 38 of the *Act*?

- Is the tenant entitled to reimbursement of the filing fee for this application pursuant to s. 72 of the *Act*?

, mainly as a lack of acknowledgement of the landlord's own efforts at cleaning at the

Conclusion

In the absence of the applicant tenant I dismiss their Application for Dispute Resolution in its entirety and without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: July 08, 2021

Residential Tenancy Branch