



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD, FFT

Introduction

On April 25, 2021, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting a Monetary Order for damages, the return of the security deposit, and to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

Preliminary Matters

This hearing was scheduled for a conference call hearing on this date.

Rule 7.1 of the *Residential Tenancy Branch - Rules of Procedure* stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

The Applicant was emailed a copy of the Notice of a Dispute Resolution Proceeding by the Residential Tenancy Branch on May 5, 2021; however, the Applicant did not attend the teleconference hearing set for today at 1:00 p.m. The only person to call into the hearing was the Respondent who indicated that they were ready to proceed.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding package. I also confirmed from the teleconference system that the only persons who had called into this teleconference was the Respondent and myself.

After keeping the phone line open for 10 minutes, I dismissed the Applicant's Application to request a Monetary Order for damages without leave to reapply as the Applicant failed to attend the hearing to present the merits of their Application. I dismiss the Applicant's Application to request the return of the security deposit with leave to reapply.

Analysis

As the Landlord/Respondent admitted to receiving the Tenant's forwarding address when they were notified of the Notice of Dispute Resolution Proceedings, I find that the Landlord has received the Tenant's forwarding address as of the date of this Decision and is subject to section 38 of the Act, as of this date.

Conclusion

As the Tenant did not attend this hearing, I dismiss the Tenant's Application for Dispute Resolution to request a Monetary Order for damages and to recover the cost of the filing fee, without leave to reapply.

I dismiss the Tenant's Application to request the return of the security deposit with 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 *Residential Tenancy Act*.

Dated: October 25, 2021

Residential Tenancy Branch