



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WESTEK CONTROLS LTD. and [tenant
name suppressed to protect privacy]

DECISION

Dispute Codes MNDCL-S, FFL

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on May 07, 2021 (the “Application”). The Landlord applied as follows:

- For compensation for monetary loss or other money owed
- To keep the security deposit
- For reimbursement for the filing fee

The Agent for the Tenant appeared at the hearing. Nobody appeared at the hearing for the Landlord. I waited 10 minutes at the outset of the hearing to allow someone for the Landlord to call into the hearing; however, nobody did. I confirmed from the teleconference system twice that only the Agent for the Tenant and I were in the teleconference.

Rule 7.3 of the Rules of Procedure (the “Rules”) states:

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.

Nobody appeared for the Landlord. The Agent for the Tenant did appear. In the circumstances, the Application is dismissed without leave to re-apply.

Policy Guideline 17 states:

1. The arbitrator will order the return of a security deposit, or any balance remaining on the deposit, less any deductions permitted under the Act, on:

- a landlord's application to retain all or part of the security deposit; or
- a tenant's application for the return of the deposit.

unless the tenant's right to the return of the deposit has been extinguished under the Act. The arbitrator will order the return of the deposit or balance of the deposit, as applicable, whether or not the tenant has applied for dispute resolution for its return.

Pursuant to Policy Guideline 17, I would usually consider whether the Tenant was entitled to return of the security deposit. However, the Agent for the Tenant advised that the Tenant is not seeking return of the security deposit and therefore I did not consider this.

Conclusion

The Application is dismissed without leave to re-apply.

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: November 04, 2021

Residential Tenancy Branch