



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDL-S, FFL  
                              MNSD, MNDCT

### Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”). The matter was set for a conference call.

The Landlord’s Application for Dispute Resolution was made on July 15, 2021. The Landlord applied for a monetary order for damages, permission to retain the security deposit and to recover their filing fee.

The Tenants’ Application for Dispute Resolution was made on November 9, 2021. The Tenants applied for the return of their security deposit and a monetary order for compensation for monetary loss or other money owed.

The Landlord’s Agent (the “Landlord”) attended the conference call hearing; however, the Tenants did not. As the Tenants are also applicants in these proceedings, I find that the Tenants had been duly notified of the Notice of Hearing in accordance with the *Act*.

The Landlord was affirmed to be truthful in their testimony and was provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing. The Landlord was advised of section 6.11 of the Residential Tenancy Branches Rules of Procedure, prohibiting the recording of these proceedings.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issues to be Decided

- Is the Landlord entitled to a monetary order for damages?
- Is the Landlord entitled to retain the security deposit?
- Is the Landlord entitled to the recovery of the filing fee for their application?
- Are the Tenants entitled to the recovery of their security deposit?
- Are the Tenants entitled to compensation under the *Act*?

### Background and Evidence

This hearing was scheduled for a teleconference hearing on this date.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. Rule 7.3 of the Rules of Procedure stipulates that an 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.

I called into the hearing, and the line remained open while the phone system was monitored for twenty minutes, and the only participant who called into the hearing during this time was the Landlord. Therefore, as the Tenants did not attend the hearing by 1:50 p.m. and the Landlord appeared and was ready to proceed, I dismiss the Tenants' application without leave to reapply.

During the hearing, the Landlord testified that they had filed for another hearing regarding this tenancy and no longer wished to proceed on this application. The Landlord withdrew their July 15, 2021 application.

### Analysis

I find that the Tenants' application for Dispute Resolution has been abandoned.

I find that the Landlord's application for Dispute Resolution has been withdrawn.

Conclusion

I dismiss the Tenants' application for Dispute Resolution without leave to reapply.

The Landlord's application for Dispute Resolution has been withdrawn.

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: January 31, 2022

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Residential Tenancy Branch