



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **MNSDS-DR, FFT**

### Introduction

This hearing, reconvened from an *ex parte* Direct Request proceeding, dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary award for the return of the security deposit for this tenancy pursuant to sections 38 and 67; and
- recovery of the filing fee from the landlord pursuant to section 72.

This matter was set for hearing by telephone conference call at 1:30 pm. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent.

Rule 7.3 of the Rules of Procedure provides as follows:

**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 reapply.

I find that filing an application and failing to pursue it diligently by attending the scheduled hearing time is a poor use of the limited resources of the Branch, inconveniencing the respondent and occupying a hearing slot which could be better used for meritorious claims.

I find that in the absence of the applicant to make any submissions they have not met their evidentiary burden on a balance of probabilities to establish any portion of their claim.

Therefore, as the applicant did not attend the hearing by 1:40 am, and the respondent appeared and was ready to proceed, I dismiss the claim in its entirety without leave to reapply.

Conclusion

The application is dismissed in its entirety without 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: March 15, 2022

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Residential Tenancy Branch