



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNSD, MNDCT**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- A monetary award for damages and loss pursuant to section 67; and
- A return of the security deposit for this tenancy pursuant to section 38.

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 were the respondents.

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 respondents and causing other, more meritorious claims to be delayed in being scheduled. I find the applicant's conduct to be worthy of censure and rebuke and any further filing of baseless applications may give rise to the basis for a monetary award on the part of the landlord or a referral to the Compliance and Enforcement Unit of the Residential Tenancy Branch.

I further 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 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: April 26, 2022

Residential Tenancy Branch