



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, FFL

Introduction

The Landlord filed an Application for Dispute Resolution on December 4, 2021 seeking compensation for unpaid rent. They also made a request for an order granting recovery of the fee for filing the Application in this matter. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on July 5, 2022.

The Tenants (hereinafter the “Tenant”) attended the hearing. They provided that the Landlord notified them of this hearing via registered mail.

The Landlord did not attend the hearing, although I left the teleconference hearing connection open until 1:44pm to enable the Landlord to call in to this teleconference hearing scheduled for 1:30pm. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed throughout the duration of the call that the Landlord was not in attendance.

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss that party’s application without leave to reapply.

Conclusion

In the absence of the Applicant Landlord, I dismiss their Application in its entirety, without leave to reapply. The Tenant in the hearing provided that the Landlord was still holding the full amounts of the security deposit (\$825, as provided for in the tenancy agreement in the evidence), and the pet damage deposit (\$350, as shown in the

agreement). I provide a Monetary Order for the full amount of these deposits returned to the Tenant.

Conclusion

I order the Landlord to pay the Tenant the amount of \$1,175. I grant the Tenant a Monetary Order for this amount. The Tenant must serve this Monetary Order on the Landlord. Should the Landlord fail to comply with this Monetary Order, the Tenant may file it in the Provincial Court (Small Claims) where it will be enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: July 5, 2022

Residential Tenancy Branch