



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S MNRL-S MNDCL-S FFL

Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the landlord seeking remedy under the *Residential Tenancy Act* (Act) for a monetary order in the amount of \$5,515.34 for unpaid rent or utilities, for damages to the unit, site or property, for compensation for damage or loss under the Act, regulation or tenancy agreement, to offset any amount owing with the security deposit and/or pet damage deposit, and for the recovery of the cost of the filing fee.

The landlord was provided with a copy of the Notice of a Dispute Resolution Proceeding dated December 15, 2021 (Notice of Hearing) when they made their application. The landlord, however, did not attend the hearing set for this date, Monday, July 18, 2022 at 1:30 p.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only person to call into the hearing was tenant BL (tenant).

Analysis

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1, 7.3 and 7.4 apply and state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Given the above and following the 10-minute waiting period, the application of the tenant was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act. Tenant BL attended the hearing, yet the applicant landlord did not attend the hearing to present the merits of their application.

The filing fee is not granted as the application was dismissed.

The tenant testified that they vacated on September 30, 2019 and did not expect any deposit(s) to be returned after the tenancy ended.

Conclusion

The application is dismissed in full without leave to reapply.

The filing fee is not granted.

This decision will be emailed to both parties at the email addresses listed on the application and confirmed for the second tenant, MH, confirmed by tenant BL during the hearing.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: July 18, 2022

Residential Tenancy Branch