



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDL-S FFL

### Introduction

This hearing was convened as the result of a landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for the following:

- Monetary claim of \$950.00 for damages to the unit, site or property and holding the security deposit or pet damage deposit towards the damages
- Recover the cost of the filing fee

The hearing began promptly at 1:30 p.m. Pacific Time as scheduled on July 5, 2022, and the telephone system remained open and was monitored for 10 minutes. I called into the hearing 1 minute late to allow sufficient time for any participants to hear the Residential Tenancy Branch (RTB) introductory message to participants. Between 1:31 p.m. and 1:41 p.m. on July 5, 2022, Pacific Time, neither the applicant landlord or the respondent tenants called in to the teleconference hearing. I have also confirmed that the Notice of Dispute Resolution Proceeding document dated December 7, 2021, included the correct time, date and access codes for the hearing.

### Analysis

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 landlord was **dismissed with leave to reapply**. This decision does not extend any applicable time limits under the Act.

I do not grant the filing fee as the applicant failed to attend the hearing or cancel the hearing in advance of the hearing date.

Conclusion

In the absence of the landlord to present their claim, I **dismiss** the landlord's application, **with leave to reapply**. I make no findings on the merits of the application. Leave to reapply is not an extension of any applicable limitation period.

This decision will be emailed to the landlord and sent by regular mail to the tenants as the landlord did not provide an email address for the tenants in their application.

I do not grant the filing fee as the applicant failed to attend the hearing.

This decision is final and binding on the parties, unless 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 5, 2022

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Residential Tenancy Branch