



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNSDS-DR, FFT**

Introduction

This matter proceeded by way of an ex parte Direct Request Proceeding, pursuant to section 38.1 of the Residential Tenancy Act (the Act) and dealt with an Application for Dispute Resolution by the tenant to obtain monetary compensation for the return of double the security deposit (the deposit) and to recover the filing fee paid for the application.

On February 24, 2022, the Adjudicator ordered that the direct request proceeding be reconvened a participatory hearing. This matter was reconvened for today's date, October 11, 2022, at 1:30pm. The interim decision should be read in conjunction with this decision.

Only the landlord appeared. The line remained open while the phone system was monitored for ten minutes. The tenant did not call into the hearing.

I have confirmed with the digital file that the tenant received the interim decision, and hearing package for today's date on February 28, 2022, by email, sent to the address they provide the Residential Tenancy Branch. The documents contain the correct information to call into the hearing.

The Residential Tenancy Branch sent the tenant an email on September 8, 2022, to verify if the hearing is still required. There is no correspondence to show the tenant responded to the verification

The Residential Tenancy Branch sent a further reminder notification by email on October 8, 2022, of today's proceeding.

As the tenant has failed to appear and the onus is on the tenant to prove their claim, and the landlord attended and was ready to proceed. I dismiss the tenant's application without leave to reapply.

Conclusion

The tenant's 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: October 11, 2022

Residential Tenancy Branch