



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNDCL-S, FFL

Introduction

This hearing convened as a result of a Landlords' Application for Dispute Resolution, filed on May 12, 2022, wherein the Landlords sought monetary compensation from the Tenants in the amount of \$2,290.00, authority to retain their \$687.50 security deposit and recovery of the filing fee.

This matter was set for hearing by telephone conference call at 1:30 p.m. on this date. The line remained open until 1:42 p.m. and the only participants who called into the hearing during this time were the Tenants. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Tenants and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

The hearing must commence at the scheduled time unless otherwise decided 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.

As the Applicants, the Landlords bears the burden of proving their claim on a balance of probabilities. In the absence of any evidence or submissions from the Landlords and in the absence of the Landlords' participation in this hearing, I dismiss the Landlors' claim without leave to reapply.

As I have dismissed the Landlords' claims I find the Tenants are entitled to return of their \$687.50 security deposit. The Landlords must return those funds to the Tenants forthwith. In furtherance of this I grant the Tenants a Monetary Order in the amount of **\$687.50**. This Order must be served on the Landlords and may be filed and enforced in the B.C. Provincial Court (Small Claims Division).

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: January 26, 2023

Residential Tenancy Branch