



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding DEVON PROPERTIES LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSDS-DR FFT

### Introduction

This dispute relates to the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for the following:

1. \$1,060 monetary order for double the security deposit,
2. Filing fee.

Although the original hearing began on May 1, 2023, an Interim Decision was issued dated May 1, 2023, which should be read in conjunction with this decision. This matter was adjourned to this date, May 16, 2023 as the landlord relied on previous dispute codes and called into a different hearing on May 1, 2023, which was confirmed by the undersigned arbitrator. As a result, on this date, May 16, 2023, the hearing was to begin anew and the only person to call into the hearing was the agent. After waiting a total of 11 minutes for the tenant to call in, the tenant's application was dismissed without leave to reapply as the tenant is required to attend the hearing for the application to be considered.

### Conclusion

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1 and 7.3 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.

Given the above and following the 11-minute waiting period on May 16, 2023, the application of the tenant was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act. The tenant is reminded that any verbal finding discussed on May 1, 2023 is of no force or effect as this matter was subsequently adjourned to May 16, 2023 and the tenant was notified by email of the new hearing date and time with new dispute codes.

The filing fee is not granted.

This decision will be emailed to both parties at the email addresses confirmed by the tenant on May 1, 2023 and the landlord's email address confirmed on May 16, 2023.

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: May 16, 2023

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Residential Tenancy Branch