



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes Tenant: MNSD, FFT
Landlord: MNDCL-S, FFL

Introduction

This hearing was convened as a result of the parties' applications under the *Residential Tenancy Act* (the "Act").

The Tenant applied for:

- return of the security deposit and/or pet damage deposit in the amount of \$145.00 pursuant to section 38 of the Act; and
- authorization to recover the filing fee for the Tenant's application from the Landlord pursuant to section 72 of the Act.

The Landlord applied for:

- compensation of \$1,066.67 for monetary loss or other money owed pursuant to section 67 of the Act;
- authorization to retain the security and/or pet damage deposit pursuant to section 72(2)(b) of the Act; and
- authorization to recover the filing fee for the Landlord's application from the Tenant pursuant to section 72.

The Landlord and the Landlord's daughter RS attended this hearing. JS, an interpreter scheduled by the Residential Tenancy Branch at the Tenant's request, also attended this hearing.

The Tenant did not attend this hearing. I left the teleconference hearing connection open until 1:44 pm in order to enable the Tenant to call into the hearing scheduled to start at 1:30 pm. I confirmed that the correct call-in numbers and participant access code had been provided in the notices of dispute resolution proceeding. I used the

teleconference system to confirm that the Landlord's group, JS, and I were the only ones who had called into the hearing.

Preliminary Matter – Removal of Party

The Tenant's application initially named KHS as a second landlord and respondent. RS confirmed that KHS is her father and that he was not involved in the tenancy. Based on RS's testimony and pursuant to section 64(3)(c) of the Act, I have removed KHS as a respondent.

Preliminary Matter – Tenant's Non-attendance

RS confirmed that the Landlord had received the Tenant's notice of dispute resolution proceeding package, including notice of this hearing and the Tenant's claims. RS stated that the Landlord did not receive any evidence from the Tenant.

Rules 7.3 and 7.4 of the Residential Tenancy Branch Rules of Procedure state:

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.

The Tenant did not attend this hearing to present evidence regarding the merits of the Tenant's application, while the Landlord duly attended. Accordingly, in the absence of any evidence or submissions from the Tenant, I dismiss the Tenant's application in its entirety without leave to re-apply.

Preliminary Matter – Withdrawal of Landlord's Application

RS submitted that the Landlord no longer wished to proceed with her application. Pursuant to section 62(4)(b) of the Act, I dismiss the Landlord's application in its entirety without leave to re-apply.

Conclusion

The parties' applications are dismissed in their entirety without leave to re-apply.

Pursuant to section 60 of the Act, either party may make other claims related to the tenancy within two years of the date that the tenancy ends.

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: June 05, 2023

Residential Tenancy Branch