



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNRL-S, MNDL-S, MNDCL-S, FFL

### Introduction

The tenants applied to the Residential Tenancy Branch [the 'RTB'] for Dispute Resolution. The tenants ask me for the following orders against the landlords.

1. Retention of a security deposit paid to the landlords by the tenants [the 'Deposit'] as recovery of unpaid rent.
2. Retention of the Deposit to repair damage that they tenants caused.
3. Retention of the Deposit to compensate for money owed to the landlords.
4. Reimbursement for the \$100.00 filing fee for this application.

The tenants appeared at the hearing on 28 July 2023. The landlords did not.

### Preliminary Matter - Non-appearance at the Hearing

The landlords did not attend the hearing of their application, although I left the teleconference hearing connection open throughout the hearing which commenced at 1100 hours and ended about 15 minutes later. I confirmed:

1. that the RTB had provided the correct call-in numbers and participant codes in the Notice of Dispute Resolution Proceeding sent to the landlords on 26 April 2023; and
2. by reviewing the teleconference system, that the tenants and I were the only ones who had called into this teleconference.

Rule 7.3 of the RTB Rules of Procedure reads:

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.

The landlords failed to attend this hearing, though RTB records satisfied me that the landlords had notice of this hearing and how to participate.

Accordingly, I dismiss the landlords' application with leave to re-apply.

I make this decision on authority delegated to me by the Director of the RTB *per* section 9.1(1) of the *Residential Tenancy Act*.

Dated: 10 August 2023

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Residential Tenancy Branch