



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      MNDL-S, FFL

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- a monetary order for loss under the Act, the regulation or tenancy agreement, pursuant to section 67;
- an authorization to retain the security deposit (the deposit), under section 38; and
- an authorization to recover the filing fee, under section 72.

The respondent tenant LS (the Tenant) and her agent KA called into this teleconference at the date and time set for the hearing of this matter. Although I waited until 11:11 AM to enable the applicant landlord to connect with this teleconference hearing scheduled for 11:00 AM., the applicant did not attend.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Tenant, her agent and I were the only persons who had called into this teleconference.

The Tenant confirmed receipt of the Notice of Hearing from the landlord and that the landlord returned the deposit in full.

The Tenant affirmed the named tenant LI is her 3-year-old daughter and that she is not a tenant.

Pursuant to section 64(3)(a) of the Act, I have amended the application to exclude named tenant LS, as a 3-year-old child cannot be a tenant under the Act.

Rule of Procedure 7.3 states: "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."

As the applicant submitted the application, served the Notice of Hearing and did not attend the hearing, I dismiss the application.

I do not find fair to grant leave to reapply because the Landlord did not attend the hearing, despite serving the Notice of Hearing to the Tenant.

Thus, I dismiss the application 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 *Act*.

Dated: October 16, 2024

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Residential Tenancy Branch