



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT MNSD OLC

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- the return of their security deposit pursuant to section 38 of the *Act*;
- an Order for the landlord to comply with the *Act*, regulation and/or tenancy agreement; and
- the recovery of the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

Neither party attended at the appointed time set for the participatory hearing, although I waited 10 minutes to enable them to participate in this hearing scheduled for 1:30 p.m. 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 I was the only person who had called into this teleconference.

Rule 7.3 of the Rules of Procedure provides as follows:

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 reapply.

Accordingly, as neither the applicant nor the respondent attended the hearing, I order the application dismissed with leave to reapply. I make no findings on the merits of the matter. The issuance of this decision with leave to reapply does not extend any applicable time limits under the *Act*.

Issue(s) to be Decided

Are the tenants entitled to the return of the security deposit? If so, are the tenants entitled to an additional monetary award equivalent to the value of the security deposit because of the landlord's failure to comply with section 38 of the *Act*?

Should the landlord be ordered to comply with the *Act*, regulation, and/or tenancy agreement?

Are the tenants entitled to recover the filing fee for this application?

Conclusion

As noted above, I dismiss this Application for Dispute Resolution in its entirety with 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 *Residential Tenancy Act*.

Dated: July 31, 2018

Residential Tenancy Branch