



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, MNDL-S, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for monetary compensation, for compensation for damages, to retain the security deposit towards compensation owed, and for the recovery of the filing fee paid for the Application for Dispute Resolution.

The Tenant was present for the teleconference hearing while no one called in for the Landlord during the approximately 11 minutes that the phone line was monitored. The Tenant was affirmed to be truthful in his testimony and stated that he was not served with the Notice of Dispute Resolution Proceeding package or a copy of the Landlord’s evidence.

The Tenant stated that he was aware of the hearing from a reminder email from the Residential Tenancy Branch and contacted the branch to receive the hearing call-in information.

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party does not attend the hearing, the hearing may continue in their absence or the application may be dismissed. As this hearing was scheduled based on the Landlord’s application the hearing did not continue in the absence of the Landlord. I also accept the testimony of the Tenant that he was not served with any documents regarding this hearing as required by the *Rules of Procedure*. Therefore, I dismiss the Landlord’s Application for Dispute Resolution with leave to reapply.

Conclusion

The Application for Dispute Resolution is dismissed, 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: August 29, 2019

Residential Tenancy Branch