



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes:

MNSD and FF

### Introduction

This hearing was scheduled for 2:00 p.m. on July 07, 2009 but the Dispute Resolution Officer was not able to conduct the hearing at that time. Both parties were contacted by the Residential Tenancy Branch on July 07, 2009 and were advised that the hearing would proceed at 2:00 p.m. on July 08, 2009. Both parties were represented at the hearing on July 08, 2009.

The hearing was in response to an Application for Dispute Resolution, in which the Tenant applied for the return of his security deposit and to recover the filing fee from the Landlord for the cost of filing this application.

### Background and Evidence

At the hearing on July 08, 2009, the Landlord stated that he had not been served with a Notice of Hearing or a copy of the Tenant's Application for Dispute Resolution. He stated that he was not aware that a hearing had been scheduled in this matter until he was contacted by the Residential Tenancy Branch on July 07, 2009. The Landlord stated that he was not prepared to proceed with the hearing, as he has not been served with details of the dispute or copies of evidence submitted by the Tenant.

The male Tenant stated that he had been unable to serve the Landlord with copies of the Application for Dispute Resolution and Notice of Hearing.

### Conclusion

I find that the Landlord has not been served with copies of the Application for Dispute Resolution or the Notice of Hearing in accordance with the Act and I find that it would be prejudicial to the Landlord to proceed with the hearing at this time. I therefore dismiss the Tenant's Application for Dispute Resolution, with leave to reapply. The Tenant retains the right to file another Application for Dispute Resolution in this matter if the parties are not able to resolve this dispute.



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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 09, 2009.

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Dispute Resolution Officer