



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MNSD, OLC, FF

### Introduction

Some written arguments were submitted prior to the hearing. I have thoroughly reviewed the arguments.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by hand on November 3, 2010, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request for an order for return of double the \$350.00 security deposit for a total of \$700.00. The applicant is also requesting recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- She has not supplied any evidence in support of her claim, because she thought that the hearing was to be heard on March 14, 2011 and only recently realized it was on March 4, 2011.

- She collected all her evidence to submit however by the time she realized the hearing was on March 4, 2011 she did not have enough time left to submit her evidence.

### Analysis

It is my decision that I am unwilling to issue any order for the return of a security deposit when the applicant has supplied no evidence in support of her claim.

However I accept the tenant's testimony that she incorrectly thought her hearing was to be held on March 14, 2011, and therefore I am willing to allow the tenant to file a new application for the return of her deposit.

The tenant was advised of my decision that the hearing and was also advised to ensure that all evidence was provided well in advance of any future hearing, if she files another application.

### Conclusion

This application is dismissed in full with the 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: March 04, 2011.

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Residential Tenancy Branch