



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

Landlord's application: MND; MNSD; FF

Tenant's application: MNSD; FF

### Introduction

This teleconference was scheduled to hear cross applications. The Landlord seeks a Monetary Order for damages; to retain the security deposit in partial satisfaction of his monetary claim; and to recover the cost of the filing fee from the Tenants.

The Tenant has applied for return of the security deposit and to recover the cost of the filing fee from the Landlord.

Both files were scheduled to be heard via teleconference on October 20, 2011 at 1:30 a.m. The Tenants signed into the conference on time and were ready to proceed, however by 1:45 p.m., the Landlord had not yet signed into the teleconference. Therefore the Landlord's application was **dismissed without leave to reapply**.

The Tenants did not establish that they served the Landlord with their Notice of Hearing documents. The male Tenant testified that he served the documents by registered mail, but was vague about the date the documents were mailed and did not provide the receipts and tracking numbers in evidence. Therefore, the Tenant's application was **dismissed with leave to reapply**.

### Conclusion

The Landlord's application is dismissed **without leave to reapply**.

The Tenant's application 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: October 20, 2011.

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Residential Tenancy Branch