



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, O, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the tenant only.

Prior to the hearing the tenant submitted a letter she had sent to the landlord indicating that if the landlord paid the tenant the security deposit; the filing fee; and charges for registered mail she would consider the matter resolved. The tenant had also submitted a copy of the cheque provided by the landlord in response to that letter.

At the hearing the tenant indicated she wanted to proceed against the landlord and that she had sent the landlord an email to that effect but she had not provided a copy of this email to me.

Despite the tenant's testimony of informing the landlord by email that she wished to proceed with her claim against the landlord, I find in the absence of any documentary evidence of this email that at a minimum the landlord would be confused as to whether or not to attend this hearing.

As such, I find it would be prejudicial against the landlord to proceed with a hearing on a matter that they might consider resolved, based only on testimony on an email being sent. I also note the tenant indicated that she had not received a response from the email recipients and as such, I have no way to confirm that the landlord received any correspondence from the tenant.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order return of the security deposit; for the recovery of the costs of registered mail and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

For the reasons noted above, I dismiss the tenant's Application 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: March 14, 2012.

Residential Tenancy Branch