



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, FF / MNSD

Introduction

This hearing was scheduled in relation to 2 applications: i) by the landlord for a monetary order reflecting retention of all or a part of the security deposit / and recovery of the filing fee; and ii) by the tenant for return of the security deposit.

In response to these applications a hearing was originally held on April 30, 2012, with a decision issued by that same date. The landlord appeared at that hearing while the tenant did not. Both applications were dismissed.

Thereafter, in response to the tenant's application for review, by way of review decision dated May 23, 2012 the tenant's application was granted, and the decision of April 30, 2012 was suspended pending the completion of a review hearing.

Subsequently, a review hearing was scheduled to occur on June 15, 2012, however, neither party appeared. In the result, by way of decision dated June 18, 2012 both applications were dismissed with leave to reapply, and the decision of April 30, 2012 remained suspended pending the completion of a review hearing.

The tenant filed a further application for review, claiming that hearing documents had been sent to his old address. By decision dated August 8, 2012, the dispute resolution officer reiterated that the decision of April 30, 2012 was suspended until the completion of a review hearing. In this decision the dispute resolution officer also noted as follows:

Notices of the time and date of the hearing are included with this Review Decision for the tenant to serve on the landlords within 3 days of receipt of this Decision.

This most recent review hearing was scheduled to commence at 11:30 a.m. on September 10, 2012. However, as at 11:40 a.m. neither party had appeared. Accordingly, both applications are once again hereby dismissed with leave to reapply, and the decision of April 30, 2012 remains suspended pending the completion of a review hearing.

Conclusion

Both applications are hereby dismissed with leave to reapply.

The decision dated April 30, 2012 remains suspended pending the outcome of any review hearing that may occur.

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: September 10, 2012.

Residential Tenancy Branch