



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

This hearing dealt with an application by the tenant for an order for the return of double her security deposit. The tenant participated in the conference call hearing but the landlords did not.

The hearing was originally set to convene by telephone conference call on May 9, 2013. At the appointed time, the parties accessed the conference call but a technical error prevented them from being connected with the Arbitrator. As a result, the Arbitrator dismissed the claim with leave to reapply.

The tenant applied for a review of the decision and in a decision issued on May 28, 2013, the Arbitrator granted a new hearing and directed the tenant to serve the landlords with a copy of the new notice of hearing within 3 days of receiving the decision.

The tenant acknowledged that she received the May 28, 2013 decision and notice of hearing but stated that she had paid for registered mail several times and did not want to pay again to serve the notice of hearing. The tenant testified that she contacted the Residential Tenancy Branch and asked if she had to serve the landlords with a copy of the notice of hearing. The tenant claimed that the employee with whom she spoke told her that the notice of hearing was mailed directly to the landlords and that she did not have to serve it on them.

The May 28, 2013 decision gave the tenant clear direction that she was to serve the landlords and she chose not to follow that direction. Although she claimed to have received conflicting direction from an employee of the Residential Tenancy Branch, I find it difficult to believe that she told the employee that she had been specifically directed to serve the landlords with the notice of hearing.

I found that the tenant failed to serve the landlords with notice of the hearing and therefore I did not proceed with the hearing.

I dismiss the 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: June 20, 2013

Residential Tenancy Branch