



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNDC, MNR, MND, MNSD, FF

### Introduction

This hearing was convened in response to cross applications.

The Landlord filed an Application for Dispute Resolution, in which the Landlord applied for a monetary Order for money owed or compensation for damage or loss; for a monetary Order for unpaid rent or utilities; for a monetary Order for damage; to keep all or part of the security deposit; and to recover the fee for filing this Application for Dispute Resolution.

The Tenant filed an Application for Dispute Resolution, in which the Tenant applied for a monetary Order for money owed or compensation for damage or loss and for the return of her security deposit.

### Issue(s) to be Decided

Is the Landlord entitled to compensation for unpaid utilities and damage to the rental property and should the security deposit be retained by the Landlord or returned to the Tenant?

### Background and Evidence

The hearing was scheduled for 2:30 p.m. on December 02, 2013. The Landlord attended the hearing at the scheduled time but the Tenant had not appeared by the time the hearing was concluded at 2:43 p.m.

The female Landlord stated that on October 30, 2013 the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant, via registered mail, by a third party. The Landlord did not submit Canada Post Documentation to corroborate this testimony nor was the Landlord able to cite a Canada Post tracking number to corroborate that testimony.

### Analysis

As the Tenant did not appear at the hearing in support of the Application for Dispute Resolution, I find that the Tenant failed to diligently pursue her Application. I therefore dismiss the application without leave to reapply.

I find that the Landlord submitted insufficient evidence to show that the Tenant was served with the Application for Dispute Resolution. In reaching this conclusion I was heavily influenced by the absence of evidence that corroborates the female Landlord's testimony that a third party served it to the Tenant via registered mail. As I am not satisfied the Tenant was served with the Application for Dispute Resolution, I am unable to proceed with the hearing in the absence of the Tenant. As I have made no findings of fact or law with respect to the Landlord's Application for Dispute Resolution, I dismiss the Application with leave to reapply.

### Conclusion

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: December 03, 2013

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Residential Tenancy Branch

