



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes MND MNR MNSD MNDC FF

Introduction

The original hearing in this matter was convened on October 4, 2013, pursuant to the landlord's application for monetary compensation and an order to retain the security deposit in partial compensation of the claim. The landlord attended the original hearing but the tenant did not. In the decision dated October 7, 2013 the landlord was granted a monetary order and an order to retain the pet and security deposits in partial compensation of the monetary award.

The tenant applied for and was granted a review hearing, on the basis that she was not served with the landlord's application, evidence or notice of hearing. In the review consideration decision dated November 15, 2013, the landlord was ordered to serve the tenant with a copy of their application for dispute resolution and all evidence they submitted for the original hearing.

I was assigned conduct of the review hearing. The landlord and the tenant attended the teleconference review hearing.

Preliminary Issue – Landlord Service of Application and Evidence on Tenant

In the review hearing the landlord stated that they did not serve their original application and evidence on the tenant. I therefore dismissed the landlord's application with leave to reapply.

I informed both parties that it was open to them to make new applications. I cautioned the landlord that they needed to have someone monitor their mail while they were out of the country, as the tenant may serve them with her application and notice of hearing by registered mail. I also informed the parties that any evidence they submitted in this matter would not be transferred to another file.

Conclusion

I set aside the original decision and order dated October 7, 2013 and dismiss the landlord'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: January 14, 2014

Residential Tenancy Branch

