



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 and 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; for the return of the security deposit; and to recover the fee for filing this Application for Dispute Resolution.

Preliminary Matter

The Tenant stated that he sent two copies of the Application for Dispute Resolution and two Notices of Hearing to the service address of the Landlord, via registered mail, on November 15, 2013. He stated that the documents were mailed in one envelope that was addressed to both Respondents.

The Tenant has applied for a monetary Order which requires that the Tenant serve each Respondent in accordance with section 89(1) of the *Residential Tenancy Act (Act)*. Section 89(1) of the *Act* permits a tenant to serve these documents by registered mail.

In these circumstances, however, I am unable to determine which of the individuals named on the envelope was served with the Application for Dispute Resolution. As I am unable to determine which of the two Respondents has been served with the Application for Dispute Resolution, I am unable to conclude that either party has been properly served.

I therefore dismiss the Tenant's Application for Dispute Resolution, with leave to reapply.

Issues to be Decided

Is the Landlord entitled to compensation for unpaid rent/loss of revenue and unpaid utilities and should the security deposit be retained by the Landlord?

Background and Evidence

The hearing was scheduled for 10:30 a.m. on this date. The Tenant had dialed into the teleconference by the time I joined the teleconference at 10:30. The teleconference was monitored until 10:42 a.m. The Landlord did not appear prior to the hearing being concluded at 10:42 a.m.

Analysis

I find that the Landlord failed to diligently pursue the Landlord's Application for Dispute Resolution and it is therefore dismissed without 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: February 19, 2014

Residential Tenancy Branch

