



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD

This is an application filed by the tenant for a monetary order for money owed or compensation for damage or loss and for the return of the security deposit.

The hearing was scheduled as a participatory hearing by conference call. The tenant did not attend. The landlord attended the hearing by conference call and gave undisputed testimony. Neither party submitted any documentary evidence.

At 10 minutes past the start of the conference call hearing the arbitrator was advised by Residential Tenancy Branch staff that the tenant had personally attended the Burnaby Office requesting an adjournment to have the hearing conducted face to face with an American sign language interpreter. It was clarified with both parties that the tenant failed to properly serve the landlord with the notice of hearing package as the landlord has a criminal harassment restraining order against him. The landlord advised that the tenant was her uncle and that she was only aware of the dispute because of contact from the RTB staff regarding the tenant's request for a face to face hearing and an interpreter.

I find that the tenant has failed to properly serve the landlord with the notice of hearing package in accordance with the Act. As such, the tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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 17, 2014

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Residential Tenancy Branch

