



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD

Introduction

The Tenant made this Application for Dispute Resolution (the “Application”) on March 24, 2014 for a Monetary Order for return of double the amount of the her security deposit and for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”).

The original hearing and an adjourned hearing took place to determine the Tenant’s Application and on July 15, 2014 the hearing moved forward to hear and determine the evidence. The Landlord appeared but the Tenant did not. As a result, the Arbitrator dismissed the Tenant’s Application.

However, the Tenant made an Application for Review Consideration (the “Review Application”) on August 1, 2014 and the Arbitrator having conduct of the Review Application determined that the Tenant had proved the Review Application and granted a Review Hearing for this date. The Review Application decision dated August 12, 2014 required the Tenant to serve the Landlord with a copy of the Review Application decision and Notice of Hearing documents detailing the time and date for this hearing.

The Tenant appeared with her mother acting as a Translator, and an Advocate. There was no appearance for the Landlord during the 30 minute duration of the hearing. The Tenant’s Advocate explained that the Tenant was unable to serve the Landlord with the required documents following the review decision because she had medical issues and was only able to serve him five days before this hearing by registered mail.

However, despite the fact that the Landlord failed to appear for the hearing, I was unable to determine whether the Landlord’s absence was because he had not been put on sufficient notice in time for this hearing and I was not willing to proceed with the Tenant’s Application in the absence of the Landlord. As a result, I determined that the Tenant had failed to serve the required documents for this hearing in accordance with Section 81(4) of the Act.

As the Tenant appeared for the hearing and was ready to proceed, I dismissed the Tenant's Application with leave to re-apply.

The Tenant is required to provide sufficient evidence relating to the service of documents if she decides to make her Application again and ensure that the service and timing of documents are affected in accordance with the Act.

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: October 14, 2014

Residential Tenancy Branch

