



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: MNDC, MNSD, RPP, FF

### Introduction / Background / Evidence

This hearing concerns an application by the tenants for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / return of the security deposit / an order instructing the landlords to return the tenants' personal property / and recovery of the filing fee.

The hearing was originally scheduled to be conducted via a telephone conference call on October 23, 2014, commencing at 1:00 p.m., and both parties called in at that time. In response to a request by the landlord, the Adjudicator adjourned the telephone conference call hearing to a face-to-face hearing, and the Adjudicator issued an Interim Decision dated October 23, 2014. In the Interim Decision the Arbitrator notes, in part:

### Background and Evidence

The landlord was ordered to re-send his evidence packages to each Tenant immediately, to the service address confirmed in this hearing. The Landlord was further ordered to bring any returned mail in their original packages with them to the in person hearing.

### Conclusion

I HEREBY ORDER that this hearing be adjourned to an **in person hearing**, pursuant to section 74 of the Act.

**Notices of In Person reconvened hearing are included with this Interim Decision.**

Each party was Ordered to serve the other party and the Residential Tenancy Branch with any evidence that they intend to reply upon **immediately**.

This in person hearing was scheduled to commence at 9:30 a.m. on December 08, 2014 at the Burnaby office of the Residential Tenancy Branch; landlord "HD" and family member, "JD," were present at that time.

The landlord testified that the tenants gave notice to end tenancy in writing on September 01, 2014, and then vacated the unit the following day, September 02, 2014. The tenants paid no rent for September 2014 and in their letter to the landlord dated September 01, 2014, they gave written consent for the landlord to retain the security deposit. A copy of this letter is in evidence. The landlord testified that the security deposit was \$600.00, and not \$625.00 as claimed by the tenants. The landlord categorically denies the tenants' claim that he stole or has possession of tools or any other personal property belonging to the tenants. As neither tenant had appeared by 9:45 a.m., the hearing was then concluded.

As the tenants seek compensation in excess of \$5,000.00 (\$25,000.00 is sought in their application) the required application fee is \$100.00. However, as only \$50.00 was collected when the tenants filed their application, Branch staff left a voice mail message with female tenant "JHB" on December 03, 2014, in which she was advised that an additional \$50.00 was required prior to the hearing. However, while the tenants hand delivered "late" documentary evidence to the Branch the next day on December 04, 2014, no additional filing fee was paid.

### Conclusion

The tenants failed to attend the in person hearing scheduled in response to what was originally their application. The tenants failed to pay the full filing fee required. In view of the foregoing and in consideration of the affirmed / undisputed testimony of the landlord, and documentary evidence submitted on time by both parties, the tenants' application is hereby dismissed without 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: December 11, 2014

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Residential Tenancy Branch

