



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- authorization to obtain a return of their security and pet damage deposits, pursuant to section 38.

The landlord and "tenant DW" did not attend this hearing, which lasted approximately 16 minutes. Tenant KW ("tenant") attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The tenant confirmed that she did not have authority to represent the other tenant DW, as an agent at this hearing.

The tenant testified that the landlord was served with the tenants' application for dispute resolution hearing package ("Application") on December 8, 2014, by way of registered mail. The tenant provided a Canada Post tracking number as proof of service, verbally during the hearing. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was deemed served with the tenants' Application on December 13, 2014, five days after its registered mailing.

Preliminary Issue – Application Evidence

The tenants applied for a return of their security and pet damage deposits in the amount of \$787.50.

The tenants did not provide any written evidence to support their Application. The tenant stated that she had a copy of the written tenancy agreement, a letter with the tenants' forwarding address, and a receipt for the registered mailing of this letter to the landlord, in front of her during the hearing. When questioned as to why no written evidence was submitted by the tenants for this hearing, the tenant stated that she had

been going through a difficult time.

As advised to the tenant during the hearing, oral evidence provided in the place of available documentary evidence is given less weight as it is inherently less reliable. This is especially the case where documentary evidence is available that could easily substantiate the tenants' case: the best evidence available should be provided.

In the absence of the landlord and the other tenant DW's attendance at this hearing and any written evidence from the tenants, I dismiss the tenants' application for a monetary order for the return of their security and pet damage deposits, with leave to reapply.

Conclusion

The tenants' Application for a monetary order for the return of their security and pet damage deposits, is dismissed 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: July 14, 2015

Residential Tenancy Branch

