



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

Pursuant to the Residential Tenancy Act, R.S.B.C. and amendments thereto I was designated to hear this matter under section 58. This hearing was scheduled to address the tenant's application pursuant to the *Residential Tenancy Act* ("the *Act*") for authorization to obtain a return of all or a portion of her security deposit pursuant to section 38 and recovery of her filing fee for this application pursuant to section 72.

The landlords did not attend. The tenant attended this hearing in support of her application. She testified that she personally served the landlords with the dispute resolution package however she had no evidence or particulars to provide with respect to the service.

The Residential Tenancy Branch Rules of Procedure provides as follows:

3.5 Proof of service required at the dispute resolution hearing

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the Arbitrator that each respondent was served with the hearing package and all evidence, as required by the *Act*.

I do not find that the tenant was able to demonstrate service of the Application for Dispute Resolution to my satisfaction.

The Rules of Procedure also provide that:

3.19 Submitting evidence after the hearing starts

No additional evidence may be submitted after the dispute resolution hearing starts, except as directed by the Arbitrator. ...

The tenant submitted no evidence in support of her application for return of her security deposit to indicate; the details of the tenancy or the amount and nature of any deposits she provided to the landlord. I do not find that the tenant has submitted sufficient evidence for this application and, given that the tenant has been unable to provide proof with respect to service of this Application and that the landlords are not in attendance, I cannot allow materials to be submitted after this hearing.

Rule 10.1 of the Rules of Procedure states:

10.1 Commencement of the hearing

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, **in the absence of any evidence to support the application or confirm service of documents to the other party and given the non-attendance of the respondent/landlords, I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty 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: July 10, 2015

Residential Tenancy Branch

