



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This was a hearing with respect to the tenant's application for the return of his security deposit including double the amount. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing. The landlord's representative attended with the landlord.

Issue(s) to be Decided

Is the tenant entitled to the return of his security deposit, including double the amount?

Background and Evidence

At the hearing the landlord and his representative testified that the landlord received a copy of the Notice of Hearing, but he did not receive the tenant's application for dispute resolution with the Notice of Hearing. The landlord also said that he did not receive a written request from the tenant for the return of his security deposit. The landlord's representative said that the landlord has not responded to the application because he was unaware of the claim and knew only that there was a hearing scheduled.

The tenant testified at the hearing that the landlord was properly served with the application for dispute resolution and all supporting documents.

Analysis

Although the tenant testified that he properly served the landlord with the application, the landlord attended the hearing and denied receiving it. Because I have the landlord's testimony that he did not receive the application, I have decided that the tenant's application should be dismissed with leave to reapply.

Conclusion

The tenant's application 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: March 11, 2016

Residential Tenancy Branch

