



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TROPHY ENTERPRISES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNSD, MNDC, O, RPP, SS

Introduction:

The hearing on March 16, 2016 was convened in response to two Applications for Dispute Resolution filed by the Tenant.

In this Application for Dispute Resolution the Tenant applied for a monetary Order for money owed or compensation for damage or loss of \$25,000.00; for the return of the security deposit; for an Order requiring the Landlord to return the Tenant's personal property; for authority to serve documents in a manner that is not authorized by the *Residential Tenancy Act (Act)* and for "other".

In a second Application for Dispute Resolution that names a different Landlord the Tenant applied for a monetary Order for money owed or compensation for damage or loss of \$5,145.00.

As outlined in my interim decision of March 17, 2016, the Applications for Dispute Resolution do not relate to the same rental unit and the Applications have been severed. This decision relates only to the Application for Dispute Resolution in which the Tenant claimed compensation of \$25,000.00.

In my interim decision of March 17, 2016, I authorized the Tenant to serve the Landlord with an exact copy of the evidence she submitted to the Residential Tenancy Branch when she filed this Application for Dispute Resolution. At the hearing on May 03, 2016 this evidence was not discussed, as the Tenant did not attend the hearing.

In my interim decision of March 17, 2016, I authorized the Landlord to serve the Tenant with an exact copy of the evidence the Landlord submitted to the Residential Tenancy Branch on February 12, 2016. At the hearing on May 03, 2016 this evidence was not discussed, as the Tenant did not attend the hearing.

In my interim decision of March 17, 2016, I authorized the Landlord to submit evidence in response to the documents contained in the Tenant's evidence package. At the hearing on May 03, 2016 this evidence was not discussed, as the Tenant did not attend the hearing.

Preliminary Matter #1

At the hearing on March 16, 2016 the Landlord and the Tenant agreed that a Residential Tenancy Branch Arbitrator has previously granted the Landlord authority to retain the Tenant's security deposit. I therefore cannot consider the Tenant's application for the return of the security deposit as that matter has already been determined.

Issue(s) to be Decided:

Is there a need to issue an Order requiring the Landlord to return personal property to the Tenant?

Is the Tenant entitled to a monetary Order for \$25,000.00?

Is there a need to issue an Order authorizing the Tenant to serve evidence in an alternate manner?

Background and Evidence:

The hearing was reconvened on May 03, 2016 at 10:30 a.m. The Landlord attended the hearing at the scheduled start time but by the time the teleconference was terminated at 10:41 a.m. the Tenant had not appeared.

I specifically note that the Tenant asked that documents for these proceedings be mailed to the address of the Advocate for the Tenant, who agreed to receive documents on behalf of the Tenant. Prior to the conclusion of the hearing on March 16, 2016 and in my interim decision of March 17, 2016 the Tenant was advised that the Notice of Adjourned Hearing will be sent to the Advocate for the Tenant and that she must regularly contact the Advocate for the Tenant to see if he has received the Notice of Adjourned Hearing.

Analysis:

I find that the Tenant failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the application without leave to reapply.

Conclusion:

The Tenant failed to diligently pursue the Application for Dispute Resolution and it was 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: May 03, 2016

Residential Tenancy Branch