



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes MND MNSD MNDC FF

Introduction

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

- a monetary order for damages to the rental unit pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Preliminary Issue –Adjournment of Hearing

This hearing was originally scheduled for a conference call hearing on September 20, 2016. Both parties attended on that date; however, at the outset of the hearing, it had to be adjourned due to a fire alarm in the building of the Residential Tenancy Branch.

The reconvened hearing was conducted by conference call. The tenant did not attend the reconvened hearing, although I waited until 9:30 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The Notices of reconvened hearing were sent to all parties by the Residential Tenancy Branch so I am satisfied the tenants were aware of the hearing date and time. The hearing proceeded in the absence of the tenants.

Preliminary Issue: Service of Landlord's Amended Application

On September 20, 2016, the same day as the original hearing, the landlord submitted an Amended Application for Dispute Resolution to the Residential Tenancy Branch. The amended application included a monetary order worksheet providing particulars of the landlord's original application and supporting evidence. The landlord acknowledged

that this amended application including supporting evidence was not served to the tenants.

The landlord chose to withdraw the entire application rather than proceeding with the hearing on the merits of the original application alone.

Conclusion

I dismiss the landlord's application 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: November 17, 2016

Residential Tenancy Branch