



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

Tenant's application: :MNSD, FF

Landlords' application: MND, MNSD, FF

### Introduction

This was a hearing with respect to applications by the tenant and by the landlords. The tenant and the landlords' agent called in and participated in the hearing. The tenant applied for the return of her security deposit, including double the amount. The landlord applied for a monetary award and an order to retain the tenant's security deposit.

The tenant did not submit any documentary evidence in support of her application. She said at the hearing that she was not aware that it was necessary to provide documentary evidence. The tenant also said that she was not served with the landlord's application for dispute resolution and only learned of it when she contacted the office of the Residential Tenancy Branch before the hearing.

The landlords' agent testified that she was acting on behalf of the landlords. She requested an adjournment because one of the landlords has received medical treatments for cancer and is too unwell to participate in the hearing. The landlord's documents and requests for an adjournment were not submitted until December 12, 2016 and were received by me after the hearing was concluded. The landlord's agent said that the tenant was served with the landlord's application by a third party, but she did not provide any documentary evidence to prove service.

### Analysis

The landlords' agent has failed to provide proof to establish that the tenant was served with the landlords' application for dispute resolution. In the absence of proof that the tenant was served, the landlords' application is dismissed with leave to reapply.

The tenant has not provided necessary documentary evidence to establish her claim for the return of her security deposit. In the absence of the required evidence from the tenant and in light of the fact that the landlords' application has been dismissed with leave to reapply, the tenant's application is dismissed with leave to reapply as well.

Both parties are cautioned that they must submit and exchange all documentary evidence before any new hearing and must also provide proof that their respective applications and Notice of Hearing documents have been served in accordance with the requirements of the *Residential Tenancy Act*.

### Conclusion

The tenant's application and the landlords' application are each 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: December 14, 2016

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Residential Tenancy Branch