



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

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

- 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; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not participate in the conference call hearing, which lasted approximately 10 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue –Application and Evidence

The landlord testified that on September 27, 2016 she forwarded the landlord's application for dispute resolution and on September 29, 2017 she forwarded a 23 page evidence package via registered mail to the tenant. When asked, the landlord could not provide tracking numbers as proof of service.

Further to the landlord online application which was submitted September 14, 2016, there is no documentary evidence before me from either the landlord or tenant in support of their respective positions.

In the absence of tracking numbers, documentary evidence or the tenant confirming service, I find that the landlord's application must be dismissed with leave to reapply.

Conclusion

I dismiss the landlord's entire application with leave to re-apply.

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 29, 2017

Residential Tenancy Branch