



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the Act") for authorization to obtain a return of all or a portion of her security deposit pursuant to section 38.

The landlord did not attend this hearing, although the 12:00 p.m. teleconference continued until 12:15 p.m. The tenant attended the hearing and made submissions with respect to her application. The tenant testified that her husband personally served the Application for Dispute Resolution package ("ADR") to the landlord at his place of business (a gas station). I will not make a finding with respect to service as I have dismissed the tenant's application on other grounds. If the tenant reapplies, she will have to serve a new ADR to the landlord.

### Preliminary Issues – Evidence for Application

The tenant applied to recover her security deposit that she paid to the landlord. She testified that she never moved in to the rental unit (that the landlord would not allow her dog to move in). She testified that she was not given a written residential tenancy agreement. The tenant testified that she could supply documentary evidence to show that she paid a security deposit to the landlord, that he has cashed the tenant's cheque and refused to allow her to move in. The tenant testified that she had not had an opportunity to submit the evidence because of extenuating personal circumstances.

The tenant/applicant requires evidence to support her testimony and prove her claim. Given that the landlord did not attend, that the tenant's information in her application was minimal and that she described circumstances that did not allow her to submit and serve the landlord with her evidence, I informed the tenant at the hearing that I would not consider her application at this time.

As she is responsible to provide evidence to support her application, **I dismiss the tenant's application** at this time. This decision does not preclude the tenant from reapplying for a monetary order in a subsequent application.

Conclusion

I dismiss the tenant's application with leave to reapply.  
*Any applicable timelines remain the same.*

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 4, 2017

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Residential Tenancy Branch