



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      MNSD, MNDC, MNR, FF, O

### Introduction

This hearing dealt with cross-applications under the *Residential Tenancy Act* (the “Act”). The landlord’s application, filed January 31, 2017, was for authorization to retain the security deposit, for compensation for unpaid rent, for compensation for damage or loss under the Act, regulation, or tenancy agreement, for recovery of the application filing fee, and for “other” relief. The tenant’s application, filed April 25, 2017, was for return of double the security deposit.

The landlord attended at the hearing but the tenant did not. The landlord provided affirmed testimony and had the opportunity to present evidence orally and in written and documentary form and to make submissions.

As the tenant did not attend, service of the landlord’s application and notice of hearing was considered. The landlord testified that she sent these materials, along with supporting evidence, on or about February 1, 2017, by registered mail to the tenant’s forwarding address. The landlord further testified that she tracked the registered mail and saw that it had been picked up by the tenant. Based on the landlord’s affirmed testimony I accept that the tenant has been served with the landlord’s application.

I note as well that today’s hearing was also scheduled to consider the tenant’s application against the landlord, and that the tenant did not attend at the hearing of her own application.

The landlord withdrew her application at the hearing. The landlord is at liberty to reapply.

As the burden of establishing a claim is on the applicant, and the tenant did not attend, her application is dismissed without leave to reapply.

I do not grant the recovery of the filing fee as the landlord's application was withdrawn in full during the hearing.

Conclusion

The landlord withdrew her application at the hearing. The landlord is at liberty to reapply.

As the tenant did not attend at the hearing of her own application, the tenant's application is dismissed without leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the Act.

Dated: June 05, 2017

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Residential Tenancy Branch