



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, RPP

Introduction

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order for a monetary order in the sum of \$25,000
- b. An order for the return of the security deposit.
- c. An order for the return of personal property.

The applicant failed to contact the telephone bridge number at the scheduled start of the hearing. The respondent and a witness were present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicant failed to appear. I then proceeded with the hearing in the absence of the applicant. .

The respondent referred me to a decision dated February 23, 2017 (after two adjournments) in which the applicant withdrew his claim after failing to send out the hearing package. .

On May 8, 2017 the applicant re-applied and the matter was set for hearing for June 23, 2017. The respondent objected and submitted the application should be dismissed on the basis the tenant failed to properly serve him and he is unable to determine the claim being made against him. The tenant testified he had served the documents by registered mail but was unable to give the tracking number as his wallet had been stolen (including the registered mail receipt).

In an Interim Decision dated June 23, 2017 I adjourned the matter to the next available date and I ordered that the tenant serve the landlord with the Application for Dispute Resolution he has filed, the Monetary Order Worksheet, any evidence he intends to rely on and a copy of this hearing letter within 7 days of receipt and provide proof of service. The respondent testified the tenant failed to serve him with these documents.

The applicant failed to appear at the hearing. I determined the applicant failed to comply with the Interim Order that he properly serve the respondent. The respondent and a witness appeared at the hearing. As a result I order the application be dismissed without liberty to re-apply.

This decision is final and binding on the parties.

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: September 05, 2017

Residential Tenancy Branch