



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MND, MNDC

Introduction

This hearing was scheduled for 3:00 p.m. on this date, via teleconference call, to hear cross applications. The tenants filed for return of their security deposit and/or pet damage deposit. The landlord applied for a Monetary Order for damage to the property; compensation for damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the tenant's security deposit and/or pet damage deposit. The landlord appeared at the hearing; however, the tenants did not despite leaving the teleconference call open until at least 3:10 p.m.

The landlord confirmed that he received the tenant's Application for Dispute Resolution and was prepared to respond to it. Since the tenants did not appear at the hearing to present their case against the landlord, I dismissed the tenants' application against the landlord in its entirety, without leave to reapply.

As for the landlord's Application for Dispute Resolution, I explored service of his Application for Dispute Resolution upon the tenants. The landlord initially stated the Residential tenancy Branch served his Application for Dispute Resolution to the tenants. When I informed the landlord that the Branch does not serve Applications for Dispute Resolution on behalf of applicants and that the applicant is required to do so, the landlord stated that he could not recall whether he served his Application for Dispute Resolution to the tenants.

As provided in sections 59 and 89 of the Act, an applicant is required to serve each respondent with a copy of the Application for Dispute Resolution along with other required documentation, within three days of filing and in one of the permissible ways to serve. Where a respondent does not appear at the hearing the applicant bears the burden to prove the respondent(s) was/were served in a manner that complies with the Act. Since the landlord was unable to provide any details or evidence to demonstrate

the tenants were served with his Application for Dispute Resolution I was unsatisfied that the tenants were served. Accordingly, I declined to proceed to hear his Application and since the tenants did not appear at the hearing, I dismissed the Landlord's Application for Dispute Resolution 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: April 25, 2018

Residential Tenancy Branch