



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNDCL-S, FFL

Introduction

This is an Application for Dispute Resolution (the “Application”) brought by the Landlord requesting monetary order for compensation, rent arrears and damages. The Landlord requests to retain the security deposit and to be reimbursed the filing fee.

The Landlord’s agent (hereinafter referred to as “Landlord”) appeared for the scheduled hearing. No one appeared for the Tenants, although I left the teleconference hearing connection open for 15 minutes to enable the Tenants to call into this teleconference hearing scheduled for 1:30 p.m.; I confirmed from the teleconference system that the Landlord and I were the only ones who had called into this teleconference. The Landlord was given an opportunity to be heard and to make submissions. The Landlord was unable to provide the tracking numbers which she states were provided for the registered mail used to serve each tenant with notice of this hearing.

The Landlord also advised that the claims made in this Application were partially addressed in an earlier hearing held December 14, 2017. In that decision, the Arbitrator found the Tenants liable for rent arrears in the sum of \$10,200.00 and the security deposit of \$1,700.00 was retained in partial satisfaction of that award. The Landlord has been unable to serve or collect under that monetary order.

The Landlord requested further time to try to enforce that order and locate the whereabouts of the two Tenants before pursuing further claims for damages and cleaning that arose after the tenancy ended on December 1, 2017.

Issues to be Decided

Is the Landlord entitled to a monetary order for damages and compensation pursuant to section 67 of the Residential Tenancy Act (“Act”)?

Is the Landlord entitled to retain the security deposit to off-set any monetary award, pursuant to section 38 of the Act?

Is the Landlord entitled to reimbursement of the filing fee of \$100.00, pursuant to section 72 of the Act?

Analysis and Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states if a party or their agent fails to attend a hearing, the Arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the Application, with or without leave to re-apply.

I find that there is insufficient evidence to prove proper service of the notice of this hearing or of relevant evidence in support of the additional claim for damages and cleaning. Accordingly, I am dismissing this part of the claim for damages and cleaning **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: June 14, 2018

Residential Tenancy Branch