



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND-S, FF, MNSD

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- a monetary order for damage to the rental unit pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants applied for:

- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

The tenant, D.K. (the tenants) attended the hearing via conference call and provided affirmed testimony stating she was attending as an agent for her mother, H.P. the other named tenant. The landlord did not attend.

Extensive discussions over a 26 minute period ended with both applications filed by the landlord and the tenants being dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation periods. The tenants provided "broken" responses in English in which she was unable to effectively communicate. The tenant provided conflicting testimony on 5 different dates for service of her application to the landlord. The tenant also provided "confusing" testimony at first acknowledging receipt of and understanding of the landlord's application to later deny receiving the landlord's application and evidence. In the circumstances, I find that the tenant is without sufficient ability to effectively communicate or respond regarding the applications scheduled.

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: March 18, 2019

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Residential Tenancy Branch