



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNSD

Introduction

This hearing dealt with the tenant's application for cancellation of a landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47 of the *Residential Tenancy Act* (the Act). The tenants attended the hearing however the landlord did not, although personally served with the Notice of Hearing on March 13, 2019. The tenant also filed a late amendment to this matter for return of the security deposit, which they served on the landlord on April 30, 2019.

Preliminary matters

The tenant did not provide a copy of a 1 Month Notice to End for Cause. None the less, the tenant testified they vacated the rental unit on April 06, 2019. As the tenant has vacated the rental unit, I declined to consider the tenant's application to cancel a 1 Month Notice as the issue of possession is now moot and preliminarily **dismissed**.

Issue(s) to be decided

Is the tenant entitled to return of their security deposit?

Background and evidence

The tenant filed an amendment to their original application seeking return of their security deposit. The tenant testified the landlord was personally served the amendment 5 days before the hearing.

Analysis and Conclusion

The tenants were apprised that their amendment in this matter was not served on the landlord at least 14 days before the hearing as required by the Rules of Procedure; and

in the absence of the landlord the issue could not be resolved within this proceeding. As a result the tenant's amendment to this matter was **dismissed**, with leave to reapply.

I declined to consider the primary and original application to cancel a Notice to End as the issue is moot, or no longer relevant.

The tenant's remaining issue respecting the security deposit is dismissed with leave to reapply.

This Decision is final and binding

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: May 07, 2019

Residential Tenancy Branch