



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PARK LANE FRASER LANDS NORTH LTD. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD FFT

### Introduction

This hearing was scheduled to convene at 1:30 p.m. this date by way of conference call concerning an application made by the tenant seeking a monetary order for return of all or part of the security deposit and to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing and gave affirmed testimony, and was assisted by another person who did not testify or take part in the hearing. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the landlord attended the call. The tenant testified that the landlord was served with the Application for Dispute Resolution and notice of this hearing by registered mail in April, 2019 and was also served with the evidentiary material of the tenant by registered mail on June 3, 2019. The tenant was permitted to provide proof of that service after the hearing had concluded.

However, during the course of the hearing the tenant advised that he had received a package from the landlord, and I conducted a search in the Residential Tenancy Branch automated system to ensure that I don't make any orders or findings contrary to what has already been adjudicated upon, and located a Decision of the director dated June 20, 2019 showing that a hearing had been conducted on June 20, 2019 wherein the landlord was successful in obtaining an order permitting the landlord to keep the security deposit. The Decision also states that the tenant did not attend that hearing.

I cannot change an order previously made by an Arbitrator, and I dismiss the tenant's application.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed.

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 21, 2019

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Residential Tenancy Branch