



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ONE WEST PROPERTIES and  
[tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNSD

### Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") for a monetary order for the return of the security deposit and/or pet damage deposit.

An agent for the landlord MM ("agent") attended the hearing and testified that the landlord was not served with the Notice of Dispute Resolution Proceeding, the application or documentary evidence. The agent stated that the landlord only became aware of the hearing by way of a Residential Tenancy Branch ("RTB") automatic email reminder.

The applicant tenant did not attend the hearing. Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Proceeding and application. Therefore, **I dismiss** the tenant's application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served with the Notice of Hearing and application in a manner provided for under the *Act*. In support of my decision is the landlord agent's undisputed testimony indicated that the tenant failed to serve the landlord with the Notice of Hearing, application or documentary evidence. I note this decision does not extend any applicable time limits under the *Act*.

### Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

This decision will be emailed to both parties at the email address confirmed for the landlord at the hearing, and the email address provided by the tenant in their application.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: September 10, 2019

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Residential Tenancy Branch