



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDCL-S MNDL-S

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "**Act**") for:

- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- a monetary order for unpaid utilities and for damage to the rental unit in the amount of \$1,657.68 pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 1:55 pm in order to enable the tenants to call into this teleconference hearing scheduled for 1:30 pm. The landlord attended the hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord testified that she served the tenants with the notice of dispute resolution form and supporting evidence package via registered mail. However, she was not able to provide me with the Canada Post tracking number for this package (although I allowed her almost 20 minutes to look for the receipt which would have contained this information), nor was she able to provide me with the specific date that she mailed the package.

The tenants did not upload any evidence in support of their response to the landlord's application to the residential tenancy branch website in advance of the hearing.

Based on this, and the lack of corroboration of service of the dispute resolution package from the landlord, I find that the landlord has not discharged her evidentiary burden to

prove it is more likely than not that the tenants were served with the dispute resolution package.

As such, I dismiss the landlord's application with leave to reapply. This dismissal does not function to extend any statutory deadline.

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: November 05, 2019

Residential Tenancy Branch