



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNSD

Introduction

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

- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38; and
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$1,800 pursuant to section 67.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 1:51 pm in order to enable the landlord to call into this teleconference hearing scheduled for 1:30 pm. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 tenant and I were the only ones who had called into this teleconference.

The tenant testified that she served the landlord with the notice of dispute resolution proceed form and supporting evidence by registered mail. However, the tenant was unable to provide the Canada Post tracking number for this mailing. I waited on the line for 20 minutes to allow the tenant an opportunity to locate the tracking information. She was unable to do so.

As such, and in light of the landlord's non-appearance and the fact that the landlord did not submit any documentary evidence in response to the tenant's application in advance of the hearing, I am not satisfied on a balance of probabilities that the tenant served the landlord with the required documents.

Accordingly, I dismiss the tenant's application, with leave to reapply.

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 16, 2020

Residential Tenancy Branch