



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSDS-DR, FFT

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on August 18, 2020 (the “Application”). The Tenant sought return of double the security deposit and to recover the filing fee.

This matter originally went through the direct request process. A decision was issued August 27, 2020 stating as follows:

I order that the direct request proceeding be reconvened in accordance with section 74 of the *Act*. I find that a participatory hearing to be conducted by an Arbitrator appointed under the *Act* is required in order to determine the details of the tenant’s application.

**Notices of Reconvened Hearing are enclosed with this interim decision. The applicant must serve the Notice of Reconvened Hearing, the interim decision, and all other required documents, upon the landlord within three (3) days of receiving this decision in accordance with section 89 of the *Act*.**

Each party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the new hearing. For more information see our website at: [gov.bc.ca/landlordtenant](http://gov.bc.ca/landlordtenant).

If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

**Lower Mainland:** 604-660-1020

**Elsewhere in BC:** 1-800-665-8779

The Tenant attended the hearing. Nobody attended the hearing for the Landlord. I explained the hearing process to the Tenant who did not have questions when asked. The Tenant provided affirmed testimony.

The Tenant submitted evidence prior to the hearing. The Landlord did not. I asked the Tenant about service of the hearing package for this reconvened hearing and the Interim Decision.

The Tenant confirmed receipt of the Interim Decision and hearing package for the reconvened hearing September 01, 2020 by email.

The Tenant said he did not serve the Interim Decision and hearing package on the Landlord as he called the RTB and spoke to an Information Officer who said he did not need to do anything further, other than file an amendment, once receiving the Interim Decision. I went over the details of this matter with the Tenant and confirmed that he did not send the hearing package or Interim Decision to the Landlord.

Pursuant to the Interim Decision, the Tenant was required to serve the hearing package and Interim Decision on the Landlord.

Further, rule 3.1 of the Rules of Procedure (the "Rules") required the Tenant to serve the hearing package and all evidence on the Landlord.

Pursuant to rule 3.5 of the Rules, the Tenant was required to prove service at the hearing.

Given the Tenant did not serve the Landlord with the hearing package and Interim Decision as required, and given the Landlord did not attend the hearing, I cannot proceed with the Application against the Landlord. The Application is therefore dismissed.

The request for reimbursement of the filing fee is dismissed without leave to re-apply given the Tenant was not successful on the Application.

The request for return of double the security deposit is dismissed with leave to re-apply. This decision does not extend any time limits set out in the *Residential Tenancy Act* (the "Act").

Conclusion

The Application is dismissed.

The request for reimbursement of the filing fee is dismissed without leave to re-apply.

The request for return of double the security deposit is dismissed with leave to re-apply.  
This decision does not extend any time limits set out in the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: November 24, 2020

---

Residential Tenancy Branch