



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

Landlord's Application: MNDL-S, MNRL-S, FFL

Tenant's Application: MNSDS-DR, FFT

### **Introduction**

This hearing was set to deal with monetary cross applications at 1:30 p.m. on this date, via teleconference call. The landlord applied for compensation for damage to the rental unit and unpaid rent; and, authorization to retain the tenant's security deposit. The tenant applied for return of the security deposit by way of the Direct Request procedure; however, the tenant's application was not processed under the Direct Request procedure because the landlord had already filed a Landlord's Application for Dispute Resolution making a claim against the security deposit and the tenant was notified that his Application for Dispute Resolution would proceed by way of a participatory hearing.

At the hearing, only the landlord appeared. I left the teleconference call open for 15 minutes to give the tenant the opportunity to appear.

Since the tenant did not appear, I explored service of the landlord's proceeding package to the tenant. The landlord testified that she did not know she had to serve the tenant with her proceeding package and evidence so she did not. Section 59 of the Act requires an applicant to serve the respondent with their Application for Dispute Resolution within three days of making the Application for Dispute Resolution. Section 89 provides for the permissible methods of service of an Application for Dispute Resolution. Information pertaining to the obligation to serve the other party is also provided on the documents applicants are provided by the Residential Tenancy Branch when their application is processed. Since the landlord did not serve the tenant with her proceeding package, I declined to give further consideration to the landlord's application and I dismiss the landlord's application with leave to reapply.

As for the tenant's proceeding package, the landlord acknowledged that she did receive the tenant's proceeding package via registered mail in January 2021 and that she was prepared to respond to his application. The landlord pointed out that the tenant had also filed a previous Application for Dispute Resolution seeking return of the security deposit and that request was dismissed. The landlord provided the file number for the tenant's previous Application for Dispute Resolution which I have recorded on the cover page of this decision. Upon review of the decision issued for the tenant's previous Application for Dispute Resolution I note that it was for return of the security deposit and that the tenant's application was dismissed with leave to reapply.

Since the tenant failed to appear for this hearing and present any evidence in support of his entitlement to return of the security deposit and the landlord was prepared to respond to the tenant's, I dismiss the tenant's Application for Dispute Resolution without 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 12, 2021

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Residential Tenancy Branch