



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **MNSD**

### Introduction

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for an order for the return of a security deposit or pet damage deposit pursuant to section 38.

The landlord did not attend this hearing, although I left the teleconference hearing connection open throughout the hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the tenant, her advocate and I were the only ones who had called into this teleconference.

The tenant attended the hearing accompanied by an advocate, MB. The tenant’s advocate advised me that this hearing was rescheduled subsequent to a dispute resolution hearing that didn’t proceed on January 14, 2022. She was contacted by an information officer of the Residential Tenancy Branch who provided today’s hearing date over the phone and sent her the Notice of Dispute Resolution Hearing by email on January 14, 2022.

### Preliminary Issue

While determining whether the tenant had sufficiently served the landlord with the Notice of Dispute Resolution Hearing and whether the landlord was sufficiently given notice of today’s hearing by the Residential Tenancy Branch, the tenant agreed to withdraw this application on the proviso that she retained the right to reapply. I considered the principles of fairness and I agreed to dismiss the tenant’s application with leave to reapply pursuant to Rule 6.1 of the RTB Rules of Procedure.

Conclusion

The tenant's application seeking a return of the security deposit is dismissed 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: January 20, 2022

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Residential Tenancy Branch