



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

This participatory hearing was scheduled for 1:30 p.m. on this date pursuant to an Interim Decision issued by an Adjudicator on August 3, 2021, in response to the tenant's application for return of the security deposit made under the Direct Request process.

At the hearing, only the landlord appeared despite leaving the teleconference call open at least 10 minutes to allow the tenants the opportunity to appear.

The landlord stated that he was not served with the hearing documents by the tenants. I noted that the tenants had provided an image of a registered mail package, including tracking number, addressed to the landlord and post marked August 7, 2021. A search of the tracking number showed that it was delivered on August 10, 2021. Then the landlord stated that he did receive that envelope but it did not contain the Notice of Dispute Resolution Proceeding. Rather, he received an email from the Residential Tenancy Branch (RTB) and when he called the RTB the Information Officer provided him with the teleconference call information.

The landlord confirmed that the disputes with the tenants concerning the security deposit and damage to the rental unit have not been resolved. The landlord also acknowledged that he is unfamiliar with the requirements of the Act with respect to administering a security deposit and filing an Application for Dispute Resolution.

Since the tenants did not appear and prove they served the landlord with all of the required proceeding documents, I accepted the landlord's statements that he was not properly served. As such, I declined to give this application further consideration and I **dismiss the tenant's application with leave to reapply.**

I strongly encouraged the landlord to become familiar with the requirement of the Act, especially with respect to handing of security deposits. I informed the landlord that he may obtain further information concerning the administration of security deposits and filing a Landlord's Application for Dispute Resolution by contacting an Information Officer with the RTB.

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: February 04, 2022

Residential Tenancy Branch