



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held by teleconference on June 6, 2022. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage or loss under the Act;
- authorization to retain all or a portion of the Tenant's security deposit in satisfaction of the monetary order requested pursuant to section 38; and,
- to recover the cost of the filing fee.

The Landlord attended the hearing. However, the Tenants did not. The Landlord provided affirmed testimony and stated that she did not serve the Tenants with the Notice of Dispute Resolution Proceeding documents that our office provided to her.

As stated in the hearing, the Notice of Dispute Resolution Proceeding is a fundamental and critical document that contains necessary hearing particulars regarding the claim, the rules, and the rights of the parties. Given this document was not served to the Respondents, I dismiss the Landlord's application, in full, with leave to reapply.

Further, I do not have sufficient information before me to make any determinations with respect to the return of the security deposit, or the Landlord's right to retain it. This aspect of the Landlord's application is also dismissed with leave to reapply, along with any claim for compensation for lost rent or damage or loss under the Act. However, it is important to note that any statutory deadlines with respect to the return of the security deposit or any other provisions of the Act, are not extended.

Conclusion

The Landlord's application is dismissed, in full, with leave to reapply.

This does not extend any statutory deadlines the Landlord must meet.

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: June 06, 2022

Residential Tenancy Branch