



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDL-S, MNSD, MNDCT, FFT, FFL

Introduction

This hearing was convened in response to cross applications.

On November 12, 2021 the Landlords filed an Application for Dispute Resolution, in which the Landlord applied for a monetary Order for damage to the rental unit, to keep all or part of the security deposit, and to recover the fee for filing an Application for Dispute Resolution.

On November 19, 2021 the Tenant filed an Application for Dispute Resolution, in which the Tenant applied for the return of the security deposit, for a monetary Order for money owed, and to recover the fee for filing an Application for Dispute Resolution.

Background and Evidence

The Tenant was represented at the hearing at the scheduled start time of 1:30 p.m. on June 28, 2022. By the time the teleconference was terminated at 1:47 p.m., the Landlord had not attended.

The Tenant stated that he was not aware that he had to serve the Landlord with his Application for Dispute Resolution and, as such, the Application for Dispute Resolution was not served to the Landlord.

The Tenant stated that the Landlord did not serve him with the Landlord's Application for Dispute Resolution.

Analysis

On the basis of the testimony of the Tenant, I find that the Tenant has failed to serve the Landlord with the Tenant's Application for Dispute Resolution, as is required by Rule 3.1 of the Residential Tenancy Branch Rules of Procedure. As the Tenant's Application for Dispute Resolution was not served to the Landlord, I am unable to proceed with that Application for Dispute Resolution.

As I have made no findings in regard to the Tenant's Application for Dispute Resolution, that Application is dismissed, with leave to reapply.

On the basis of the testimony of the Tenant, I find that the Landlord has failed to serve the Tenant with the Landlord's Application for Dispute Resolution, as is required by Rule 3.1 of the Residential Tenancy Branch Rules of Procedure. As the Landlord's Application for Dispute Resolution was not served to the Tenant, I am unable to proceed with that Application for Dispute Resolution.

As I have made no findings in regard to the Landlord's Application for Dispute Resolution, that Application is dismissed, with leave to reapply.

Conclusion

Both Applications for Dispute Resolution are 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 *Act*.

Dated: June 28, 2022

Residential Tenancy Branch