



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- a monetary order for damage to the rental unit pursuant to section 67;
- authorization to retain all or a portion of the tenant’s security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

Tenant:

- authorization to obtain a return of all or a portion of the security deposit pursuant to section 38;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. While the landlord attended the hearing by way of conference call, the tenant did not, although I waited until 1:42 p.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.m. The tenant should have been aware of the hearing date, time and call-in instructions as he filed his own application and was required to serve a copy of the application including notice of hearing on the landlord.

The landlord testified that she was not able to serve her application on the tenant as he did not provide a forwarding address.

As the tenant failed to attend this hearing and the landlord failed to serve the tenant with her application, both these applications are dismissed with leave to reapply.

Conclusion

I dismiss both the above applications with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: July 05, 2023

Residential Tenancy Branch