

DECISION

Dispute Codes MNSD, MNR, MNDC, FF

This hearing was scheduled to deal with cross-applications. The landlord had applied for a Monetary Order for unpaid rent. The tenant had applied for return of the security deposit and compensation for damage or loss under the Act, regulation or tenancy agreement.

The landlord did not appear at the hearing. The tenant appeared at the hearing and confirmed that she had been served with the landlord's application. Since the tenant appeared and was prepared to respond to the landlord's application **I dismissed the landlord's application without leave to reapply.**

The tenant testified that she notified the landlord of her application by way of email. Section 89(1) of the Act provides for ways an Application for Dispute Resolution may be served upon another party with respect to a monetary claim. The tenant was informed that she was required to serve the landlord by personal service or by registered mail and that serving the landlord by email was insufficient. Therefore, I found the tenant did not sufficiently serve the landlord with a copy of the Tenant's Application for Dispute Resolution and **I dismissed the tenant's application with leave to reapply** in order to properly serve the landlord.

I note that on May 27, 2010, one day before the hearing, the landlord sent a facsimile to the Residential Tenancy Branch requesting the hearing be rescheduled because the landlord would be outside of Vancouver at the time of the hearing. The hearing was conducted by way of teleconference call which is accessible by a toll-free telephone number available in North America and calls placed from outside of North America will be received except the caller will incur long distance charges. The landlord did not provide a reason for his inability to participate in a teleconference call.

The Rules of Procedure provide that a hearing will be rescheduled if written consent is obtained from both parties at least three business days before the hearing. Otherwise, the party must appear at the scheduled hearing, or an agent may appear on their behalf, and request an adjournment. The landlord's request for rescheduling or adjournment of the hearing was insufficient in accordance with the Rules of Procedure and I refused to reschedule or adjourn the hearing based upon the landlord's statement that he would be outside of Vancouver at the time of the scheduled hearing.

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: May 28, 2010.

Dispute Resolution Officer