



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for the cost of emergency repairs to the rental unit pursuant to section 33;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

The landlord did not attend this hearing, although I waited until 3:14 p.m. in order to enable the landlord to connect with this teleconference hearing scheduled for 3:00 p.m. The tenant attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The tenant entered sworn testimony and written evidence to confirm that he sent the landlord a copy of his dispute resolution hearing package by registered mail on July 22, 2013. He provided copies of the Canada Post Tracking Number and envelope. He gave evidence that the hearing package was returned to him by Canada Post as unclaimed by the landlord. In accordance with sections 89(1) and 90 of the *Act*, I am satisfied that the landlord was deemed served with the tenant's application on July 27, 2013, five days after its registered mailing.

The tenant testified that circumstances have changed since he submitted his application for dispute resolution, as this tenancy ended when the tenants vacated the rental premises on July 2, 2013. He withdrew his application for a monetary award. The tenant said that in addition to the amounts identified in his original application, the tenants now need to seek the return of their security deposit. Once they complete their efforts to seek the return of that \$1,800.00 deposit, the tenants will pursue one overall application for a monetary award from the landlord, which may also include his request for return of monies owed for the tenants' security deposit.

The tenant's existing application is withdrawn. The tenant is at liberty to reapply within the time frames established under the *Act*.

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: September 23, 2013

Residential Tenancy Branch

