



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This was the hearing of an application by the tenants for the return of their security deposit, including double the amount. The hearing was conducted by conference call. The named tenant called in with his representative. The landlord's representatives also called in and participated in the hearing.

Analysis and Conclusion

For several reasons I have determined that I cannot proceed to hear the tenants' application and I find that it should be dismissed with leave to reapply. Those reasons include the following: The tenant has not provided a copy of the tenancy agreement as evidence and did not provide a copy of the move-out condition inspection report that contains information concerning the disposition of the security deposit that is relevant to the proceeding. Although the tenant said that documents were mailed to the respondent they were never received and the landlord has not had an opportunity to respond to them. Also the landlord failed to submit relevant documents with respect to the tenants' claim that were in its possession. Finally the tenant has named the resident manager as the sole respondent when he should more properly have included the actual landlord named in the tenancy agreement as the principal respondent in this proceeding.

For the reasons stated this application is dismissed with leave to reapply. If there is a new application the parties will be expected to submit to the Residential Tenancy Branch and exchange with each other all relevant documents.

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 30, 2014

Residential Tenancy Branch

