



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NVISION PROPERTY MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCL-S, MNRL-S, MNDCL-S, FFL

Introduction

This hearing was convened as a result of the landlord's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The landlord applied for a monetary order in the amount of \$2,243.00 for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, for damage to the rental unit, site or property, for unpaid rent or utilities, to retain the tenant's security deposit and to recover the cost of the filing fee.

The tenant and an agent for the landlord ("agent") attended the teleconference hearing. In discussing service of the landlord's documentary evidence on the tenant the agent did not have the registered mail tracking number to provide during the hearing to support service was effected via registered mail nor was a specific date confirmed by the agent regarding service of the documentary evidence. Therefore, the agent requested to **withdraw their application in full** which the tenant did not object to during the hearing. Therefore, the agent was permitted to withdraw their application.

The landlord is at liberty to reapply with the exception of the security deposit in which I make the following order.

I ORDER the landlord to return the tenant's \$440.00 security deposit which has accrued no interest no later than **November 30, 2018** pursuant to section 62(3) of the *Act*.

I make this order as the parties confirmed that the landlord has been served with the tenant's written forwarding address as of June 8, 2018 and the landlord applied for dispute resolution on June 8, 2018. I do not grant the tenant a monetary order however as the tenant may apply for compensation under the *Act* should the landlord fail to comply with my order above. The forwarding address has been included on the cover page of this decision for ease of reference.

As the landlord withdrew their application I do not grant the recovery of the cost of the filing fee.

The email addresses for the parties were confirmed during the hearing. The decision will be emailed to the parties.

Conclusion

The landlord has withdrawn their application in full due to an evidence service issue. The tenant did not oppose the withdrawal.

The landlord is at liberty to reapply.

The landlord has been ordered to return the tenant's \$440.00 security deposit no later than November 30, 2018. The forwarding address has been included on the cover page of this decision for ease of reference.

The filing fee is not granted due to the withdrawal of this application.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: November 8, 2018

Residential Tenancy Branch