



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Home life property management  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

**MNSDS-DR**

### **Introduction**

On January 8, 2021, an Adjudicator appointed pursuant to the *Residential Tenancy Act* (the *Act*) adjourned the tenant's application for dispute resolution to a participatory hearing. She did so on the basis of an *ex parte* hearing using the Residential Tenancy Branch's direct request process. The adjudicator adjourned the direct request for the following reasons:

*I find I am not able to confirm service of the Notice of Direct Request Proceeding to the landlord, which is a requirement of the Direct Request Proceeding.*

This reconvened hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "*Act*") for an order for the return of a security deposit or pet damage deposit pursuant to sections 38 and 67.

The landlord did not attend this hearing, although I left the teleconference hearing connection open throughout this hearing which commenced at 1:30 p.m. and ended at 2:00 p.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

The tenant attended the hearing testified that she did not serve the landlord with the Notice of Reconvened Hearing (the "*Notice*") as required in the adjudicator's interim decision and reflected in the Notice. The Notice reads, in part,

*The applicant is required to give the Residential Tenancy Branch proof that this notice and copies of all supporting documents were served to the respondent.*

As the tenant has confirmed the landlord was not served with the Notice of Reconvened Hearing, as required by section 89 of the *Act*, I dismiss the tenant's application with leave to reapply.

Conclusion

This application is dismissed with leave to reapply.

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: April 13, 2021

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Residential Tenancy Branch