



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PACIFIC QUORUM PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDL-S, FFL

Introduction

This hearing was scheduled to convene at 1:30 p.m. on December 22, 2022 by way of conference call concerning an application made by the landlord seeking a monetary order for damage to the rental unit or property; an order allowing the landlord to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee from the tenant for the cost of the application.

An agent for the landlord attended the hearing, however the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the tenant joined the call. The landlord's agent was not able to provide any information regarding service of the Notice of Dispute Resolution Proceeding to the tenant.

Where a party makes a claim, the onus is on the claiming party to prove that the other party was served within 3 days of making the application. Since the landlord has not been able to satisfy me that the tenant was served within 3 days or how the tenant was served, I dismiss the landlord's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the landlord's application is hereby dismissed in its entirety 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: December 22, 2022

Residential Tenancy Branch