

## **DECISION**

**Dispute Codes:** MNSD and FF

### **Introduction**

This application was brought by the tenants seeking return of their security deposit in double pursuant to section 38(6) of the *Act* on the grounds that the landlords did not return it within 15 day of the latter of the end of the tenancy or receipt of the tenant's forwarding address. The tenants also seek to recover the filing fee for this proceeding.

### **Issues to be Decided**

This application requires a decision on whether the tenants are entitled to a Monetary Order for return of the security deposit in double and recovery of their filing fee.

### **Background and Evidence**

This tenancy began on April 1, 2008 and ended on March 31, 2009 under a fixed term rental agreement. Rent was \$650 per month and the landlords hold a security deposit of \$650 paid on April 1, 2008. The tenants stated that at the time of the hearing, the landlords had still not returned their security deposit.

As a matter of note, while the rental agreement names the landlords' agents as landlord, the application names the landlords directly. By way of explanation, the tenants stated that the landlords had discharged the agents during the tenancy and for the latter part of the tenancy, they paid their rent directly to the landlords.

## **Analysis**

The landlords did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, the tenants were asked for proof of service and provided a Canada Post registered mail tracking number.

While the tracking number provided shows on the Canada Post web site that the item in question was delivered to the landlords, it also records that it was sent on 2009/06/10 (June 10, 2009) and received on 2009/06/15 (June 15, 2009). As the tenants' application was not made until September 15, 2009, three months later, I must find that the tracking number provided could not have pertained to the Notice of Hearing for the present hearing.

## **Conclusion**

Therefore, this application is dismissed with leave to reapply for want of proof of service of the Notice of Hearing.

February 24, 2010