



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF, SS

Introduction

This hearing was scheduled to deal with an Application for Dispute Resolution by the tenants for a Monetary Order for money owed or compensation for damage or loss under the Residential Tenancy Act (Act), regulations or tenancy agreement, an Order to recover the security deposit and to recover the filing fee paid for this application. The tenants also applied for a Substitute Service Order.

The tenants state they did not serve a copy of the Application and Notice of Hearing to the landlord and states they were unaware that they had to do so. The tenants did not show that any attempt has been made to serve the landlord therefore I am not prepared to make an Order for Substitute Service at this time.

Consequently no hearing has been held today as to find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As the landlord has not been served with the hearing documents in accordance with the section 89 of the *Act*, I dismiss the tenant's application 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: November 17, 2011.

Residential Tenancy Branch