



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution, seeking a monetary order for compensation under the Act or tenancy agreement, pursuant to sections 51 and 67 of the Act, and to recover the filing fee for the Application.

Only one of the Tenants appeared at the hearing. He gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Tenant testified he served the Landlords by registered mail. The Tenant did not provide any other evidence of this service, such as the receipt for the registered mail.

Under the Act, rules of procedure and policy guidelines, when the Respondents do not appear at a hearing, the Applicant (here the Tenants), must be prepared to prove service. Policy guideline 12, paragraph 13 explains this in more detail:

“... Proof of service by registered mail should include the original receipt given by the post office and should include the date of service, the address of service, and that the address of service was the person's residence at the time of service, or the landlord's place of conducting business as a landlord at the time of service.

Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply...

Conclusion

In this instance, I find the Tenants have failed to provide sufficient evidence they served the Landlords by registered mail. Therefore, I dismiss the Application with leave to reapply.

I also note that the appearing Tenant who called into the hearing was not using a phone but rather his computer. This caused a severe echo of my words whenever I spoke. As

the Tenant could hear me clearly and I could hear him clearly I determined to proceed with the hearing, although ultimately it was dismissed for the reasons set out above.

Nevertheless, the Tenants are cautioned to use a traditional method to call into the hearing, or to adjust their computer so that no distracting echoes will occur.

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 Act.

Dated: September 13, 2012.

Residential Tenancy Branch