



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the landlords for a monetary order for damage to the unit, site or property; for a monetary order for unpaid rent or utilities; for an order permitting the landlords 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.

One of the landlords attended the conference call hearing on behalf of both landlords, however, despite being served with the Landlord Application for Dispute Resolution and notice of hearing documents by registered mail on September 19, 2012, the tenant did not attend. The landlords provided evidence of having sent the documents on that date and in that manner.

Analysis

The *Residential Tenancy Act* requires a party who makes a claim to serve the other party within 3 days of making it:

Section 59 (2) An application for dispute resolution must

- (a) be in the applicable approved form,
- (b) include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and
- (c) be accompanied by the fee prescribed in the regulations.

Section 59 (3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

The landlords received a notice of hearing from the Residential Tenancy Branch on September 14, 2012 for service upon the tenant, but the landlords did not cause the documents to be served on the tenant until 5 days after that.

Therefore, I find that the landlords have not complied with the *Act* and the landlords' application is hereby dismissed with leave to reapply.

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

Conclusion

For the reasons set out above, the landlords' application is hereby 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: December 10, 2012.

Residential Tenancy Branch