



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MNSD, FF

Introduction

This was a cross-application hearing.

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid utilities to retain the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The tenants applied requesting return of double the security deposit in the sum of \$1,500.00 plus the filing fee cost.

The landlord confirmed receipt of the tenant's Notice of hearing.

The agent for the landlord provided affirmed testimony that the three tenants were served copies of the Application for Dispute Resolution and Notice of Hearing by 1 registered mail package to the service address provided on the tenant's application for dispute resolution. Each of the tenants was not served individually and the landlord did not have any information confirming who, if any, of the 3 respondents had accepted the registered mail. A single Canada Post receipt and tracking number was provided as evidence.

In the absence of evidence that each of the tenants was served with Notice of the hearing, as required by section 59(3) of the Act, I determined that service to each respondent could not be confirmed. Therefore, I find that the landlord's application is dismissed with leave to reapply.

As the landlord confirmed receipt of the tenant's application and they failed to attend the hearing, I find that the tenant's application is dismissed without 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: April 23, 2013

Residential Tenancy Branch