



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction and Preliminary Matters

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for money owed or compensation for damage or loss, for authority to retain the tenants' security deposit and for recovery of the filing fee.

The landlord's agent (landlord hereafter) appeared; the tenants did not appear.

The landlord testified that she served the tenants with their application for dispute resolution and notice of hearing by ordinary mail.

Analysis and Conclusion

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenants in this case) in person, by registered mail to the address at which the person resides, or if a tenant, by registered mail to the forwarding address provided by the tenant.

In the case before me I find that the landlord failed to provide sufficient evidence that the tenants were served the notice of this hearing in a manner as required under section 89 either by registered mail or by leaving the documents with the tenants and I therefore dismiss their application, with leave to reapply.

Conclusion

The landlord's application is dismissed, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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* and is being mailed to both the applicant and the respondent.

Dated: July 26, 2013

Residential Tenancy Branch