



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD FF

Introduction and Analysis

This hearing dealt with the tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for a monetary order for the return of double their security deposit and to recover the filing fee.

The tenants attended the hearing. As the landlords did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") was considered. The tenants testified that the Notice was mailed via registered mail to the address of the landlords on April 19, 2013. The tenants stated that they did not have the tracking number as they were both calling into the hearing from separate locations without their paperwork available. The tenants did not submit any documentary evidence to support that the landlords were served by registered mail. According to the tenants, both registered mail packages were returned to them without any indication as to why the packages were returned such as "unclaimed" or "moved/unknown".

Both parties have the right to a fair hearing. The landlords would not be aware of the hearing without having received the Notice of Hearing. Without a tracking number or some other documentary evidence, I am not satisfied that the landlords have been served with the Notice of Hearing. Therefore, **I dismiss** the tenants' application **with leave to reapply** due to insufficient evidence of service on the landlords. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The tenants' application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

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 *Residential Tenancy Act*.

Dated: July 12, 2013

Residential Tenancy Branch

