



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 money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, for return of all or part of the security deposit or pet damage deposit, and to recover the filing fee.

An agent and mother of the tenant (the "agent"), "RK" attended the hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") was considered. The agent was unable to provide the specific date the landlord was served with the Notice of Hearing and evidence, and did not have the "Xpresspost" registered mail tracking information available during the hearing.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of Hearing document. Without the date and tracking number, or some other documentary evidence, I am not satisfied that the landlord has 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 landlord. 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: March 3, 2014

Residential Tenancy Branch

