



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LIVING OPTIONS REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC ERP PSF

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 an order directing the landlord to make emergency repairs for health or safety reasons, and to provide services or facilities required by law.

The tenants and a witness for the tenant attended the teleconference hearing. As the landlord and landlord agent did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") were considered. The tenants were unable to provide the specific date the landlord was served with the Notice of Hearing and Application, and did not have the registered mail tracking information available during the hearing.

Both parties have the right to a fair hearing. The landlord and landlord agent would not be aware of the hearing without having received the Notice of Hearing document and Application. Without the date and tracking number, or some other documentary evidence, I am not satisfied that the landlord and landlord agent have been served with the Notice of Hearing and Application. Therefore, **I dismiss** the tenants' application **with leave to reapply** due to insufficient evidence of service on the landlord and landlord agent. 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: October 7, 2014

Residential Tenancy Branch

