



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF, O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for a monetary order for return of all or part of the pet damage deposit or security deposit; and to recover the filing fee from the landlord for the cost of the application.

One of the tenants attended the call and also represented the second tenant. However, despite being served with the Application for Dispute Resolution and hearing package, no one for the landlord attended. The line remained open while the phone system was monitored for 10 minutes and the only participant who joined the call was the tenant.

The tenant advised that the landlord was served at the landlord's address in Alberta as well as the landlord's address in British Columbia and has provided a copy of a Canada Post receipt dated November 28, 2014 showing that the hearing package was sent by regular mail. The *Residential Tenancy Act* requires an Application for Dispute Resolution and the hearing package be sent to another party in the following ways:

Special rules for certain documents

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

(d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*]

In this case, I find that the landlord has not been served in accordance with the *Act*, and the tenants' application is hereby dismissed with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed with 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: December 22, 2014

Residential Tenancy Branch

