



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, MNDC, FF

Introduction

This hearing was convened by way of a face to face hearing in response to the Landlords' Application for Dispute Resolution (the "Application"). The Landlords applied for a Monetary Order for: damage to the rental unit; for money owned or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"); to keep the Tenant's security deposit; and to recover the filing fee from the Tenant.

Both Landlords attended the hearing. However, there was no appearance for the Tenant during the 30 minute duration of the hearing. Therefore, I turned my mind to the service of the documents by the Landlords to the Tenant.

The Landlords explained that after the Tenant had vacated the rental unit, they discovered that the Tenant had moved to address in the local area. The Landlords registered mailed the documents for this hearing to the Tenant at this address. However, the documents were returned to the Landlords as unclaimed.

The Landlords explained that they were unable to verify that the Tenant was residing at the address they had sent the documents to and, since this time they heard that the Tenant had moved on. The Landlords acknowledged that their Application could not be progressed without proper service to the Tenant.

As there was not sufficient evidence before me that the Tenant had been served with notice of this hearing, I was unable to hear the Landlords' Application. However, I provide the Landlords with leave to re-apply. The Landlords were agreeable with this course of action.

In response to the Landlords' questions about options to serve the Tenant if they re-apply, the Landlords were informed of their right to make an application for substituted service pursuant to Section 71(1) of the Act as well as the service options under the Act.

The Landlords are also cautioned that the Tenant has up to one year to provide the Landlords with a forwarding address in writing if the Tenant wants his security deposit back. If this is served to the Landlords, they will have 15 days to make an Application using the Tenant's address provided to make a claim to include a request to keep the security deposit.

Conclusion

The Landlords' Application is dismissed **with** leave to re-apply.

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: October 28, 2015

Residential Tenancy Branch

