



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by both tenants.

The tenants testified the landlords were served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by priority post and by posting the hearing documents on the landlord's doors on July 4, 2015 in accordance with Section 89.

However, the tenants could not provide any confirmation, such as tracking numbers for the mailed documents. As the tenants have not been able to provide evidence that the hearing documents were served to each landlord by registered mail, I find the tenants have failed to establish they had been served using this method of service.

Section 89 of the *Act* states an Application for Dispute Resolution must be given or severed 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 that 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; or
- e) As ordered by the director.

As the tenants had posted the hearing documents on the landlords' doors I find that this method of service is not an acceptable method under the *Act*.

As a result, I find the tenants have failed to provide evidence to confirm the landlords were sufficiently served with notice of this hearing.

Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to a monetary order for return of double the amount of the security deposit and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Act*.

Conclusion

Based on the tenants' failure to prove service of their hearing documents to the landlords I dismiss their Application for Dispute Resolution in its entirety 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 14, 2015

Residential Tenancy Branch

