



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was scheduled to hear the tenant's application for return of double the security deposit and monetary compensation for damage or loss under the Act, regulations or tenancy agreement. The landlords did not appear at the hearing. The tenant testified that she attended the landlords' residence to serve the hearing package to the landlords shortly after filing on September 25, 2015. Despite the landlords' vehicles being in the driveway there was no answer at their door. The tenant acknowledged that she did not return to the landlord's property to attempt to serve the landlords again. Rather, she waited until two days before this hearing to send hearing documents to the landlords via Xpresspost

Dispute Resolution proceedings are based on the principles of natural justice. As such, each respondent is entitled to be notified of a claim against them and an opportunity to prepare and provide a response or defence. Section 59 of the Act provides that an Application for Dispute Resolution is to be served upon a respondent within three days of filing. The Rules of Procedure also provide deadlines for serving evidence upon the Branch and the other party.

Based upon the tenant's submissions I found the tenant failed to meet the deadlines for serving her Application and evidence. Since the landlords were not in attendance at the hearing I found no prejudice to the landlords in dismissing this Application with leave to reapply.

The tenant is at liberty to file another Application within the statutory time limit for doing so.

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: April 07, 2016

Residential Tenancy Branch