



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNSD, FF  
                             MNSD, MNDC

### Introduction

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

The landlord attended the hearing however the line remained open while the phone system was monitored for 10 minutes and no one for the tenants joined the call.

In the absence of the tenants, I dismiss the tenants' application in its entirety without leave to reapply. The tenants may not make a future claim as against the landlord for return of the security deposit or for monetary compensation for damage or loss.

The landlord advised that each of the tenants was served with the Landlord's Application for Dispute Resolution and notice of this hearing by giving them to a person who apparently resides with and is related to the tenants on April 22, 2016. The *Residential Tenancy Act* does not permit service of an Application for Dispute Resolution by serving a person who apparently resides with the intended recipient. The *Act* states that a landlord may serve an Application for Dispute Resolution by personally handing it to the tenant, or sending it to the tenant by registered mail. The landlord did not serve the documents in accordance with the *Act*, and therefore, I dismiss the landlord's application with leave to reapply.

### Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety without leave to reapply.

The landlord's 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: October 06, 2016

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Residential Tenancy Branch

