



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

On June 1, 2016, the Tenants submitted an Application for Dispute Resolution requesting a monetary order for money owed or compensation for damage or loss under the Act, Regulations, or tenancy agreement; and to recover the cost of the filing fee. The matter was set for a conference call hearing.

The Tenants attended the teleconference hearing; however, the Landlord did not. The Tenant's testified that they know the Landlord's residential address but they served the Notice of Hearing on the Landlord's real estate agent. The Tenants testified that the real estate agent was selling the house for the Landlord and the sale of the house completed approximately two weeks prior to the date they served the agent.

The Landlords did not appear at the hearing. I find that there is insufficient evidence before me from the Tenant's that the real estate agent was acting as an agent for the Landlord when he was served with the Notice of Hearing.

Accordingly, the Tenant's Application is dismissed with leave to reapply.

If the Tenants reapply for dispute resolution they are cautioned that if the Landlord does not attend the hearing, the Tenant's will have to provide sufficient evidence to the Arbitrator to prove that the address used for service is in fact the address at which the Landlord resides at the time of mailing.

The Tenants were also provided with information regarding the Residential Tenancy Act Rules of Procedure. The Tenants were advised to ensure any Application that is made contains the full particulars of any monetary claim being made.

As I am not satisfied that the Landlord was properly served with the Notice of Hearing, the Tenants request to recover the filing fee is denied.

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: November 24, 2016

Residential Tenancy Branch