



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction and Analysis

This hearing dealt with the tenants' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for a monetary order for money owed or compensation for damage or loss under the *Act* in the amount of \$9,375.00.

The tenants attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), the Application for Dispute Resolution (the "Application") and documentary evidence were considered. Tenant D.M. (the "tenant") provided affirmed testimony that the Notice of Hearing, Application and documentary evidence were served on the landlord by personal service on September 16, 2016 at approximately 3:30 or 4:00 p.m. and that they had a witness named Kevin. The tenants could not recall the last name of Kevin.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and Application. As the Notice of Hearing document was dated September 22, 2016, I am not satisfied that the landlord could have been personally served on September 16, 2016 as that date was seven days before the Notice of Hearing document was created on September 22, 2016. Therefore, **I dismiss** the tenants' application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served with the Notice of Hearing and Application. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The tenants' application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 13, 2016

Residential Tenancy Branch