



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenants on July 21, 2016 for the return of their security deposit, for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”), and to recover the filing fee from the Landlord.

One of the Tenants appeared for the hearing and provided affirmed testimony and four pages of documentary evidence prior to the hearing. There was no appearance for the Landlord during the ten minute duration of the hearing. Therefore, I turned my mind to the service of documents to the Landlord for this hearing.

The Tenant explained that she was unable to locate the Landlord for the service of documents for this hearing. As a result, the Tenant attended the rental unit and spoke to the renters who informed her that the Landlord occasionally visited the rental unit. The Tenant testified that she informed the renters that she would place the documents for this hearing in the mail slot of the rental unit and asked the renters to inform the Landlord of this.

The Tenant stated that she was able to locate a service address for the Landlord from the city registrar and one that was documented on the tenancy agreement. However, the Tenant did not use these addresses to register mail documents to the Landlord and only served them by putting them in the mail slot of the rental unit where there were only renters residing.

Section 89(1) of the Act provides for the options a party has when putting a respondent on notice of a claim and the resulting hearing. When it comes to the service of the

hearing package, a party is barred from serving documents by putting them in the mail slot.

Therefore, I am only able to conclude the Tenant has failed to satisfy me that the Landlord was served with their Application and was made aware of this hearing. As a result, I dismiss the Tenants' Application with leave to re-apply.

The Tenants are cautioned about the service requirements of the hearing package, in particular about the importance of register mailing documents if a person cannot be served in person. The Tenant was also cautioned about providing sufficient evidence that the Landlord has been served with their forwarding address and to ensure that all evidence the Tenants want to rely on is submitted prior to a hearing.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: January 23, 2017

Residential Tenancy Branch