



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD OLC FF

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, dated July 19, 2016 (the "Application"). The Tenants applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order compelling the Landlord to return all or part of the security deposit or pet damage deposit;
- an order that the Landlord comply with the *Act*, regulations or a tenancy agreement; and
- an order granting recovery of the filing fee.

The Tenants were represented at the hearing by B.I., who provided affirmed testimony. The Landlord did not attend the hearing.

At the outset of the hearing, B.I. testified the Landlord was served with the Tenants' Application package by regular mail on July 28, 2016. The Application package was sent to the rental unit address, not to the Landlord's residence. B.I. stated the Landlord moved and that she did not know the Landlord's address for service at the time of filing and serving the Application. B.I. testified she believes the Landlord has moved to Vancouver Island.

Section 89 of the *Act* requires an application for dispute resolution to be served on a landlord in person, by leaving a copy with an agent of the landlord, by sending a copy by registered mail to the address where the landlord carries on business, or as ordered by the director under section 71(1) of the *Act*.

In this case, I am not satisfied the Landlord was served with the Tenants' Application package in accordance with section 89 of the *Act*. Accordingly, the Tenants' claim is dismissed with leave to reapply.

Conclusion

The Tenants' claim is 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: January 25, 2017

Residential Tenancy Branch