



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlords: MND MNR MNSD MNDC

For the tenants: MNDC FF O

Introduction and Preliminary Matters

This hearing was convened as a result of the cross-applications of the parties for dispute resolution under the *Residential Tenancy Act* (the “Act”).

The landlords applied for a monetary order of \$4,700.00 for damage to the unit, site or property, for unpaid rent or utilities, to keep all or part of the tenants’ security deposit or pet damage deposit, and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement.

The tenants applied for a monetary order in the amount of \$2,850.00 for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, to recover the cost of the filing fee and other unspecified relief.

The landlord and the partner of the landlord attended the teleconference hearing. After the ten minute waiting period, as the tenants failed to attend the hearing and the landlord did attend the hearing and was ready to proceed, the application of the tenants was **dismissed in full without liberty to reapply**.

Regarding service of the landlord’s Application for Dispute Resolution (the “Application”), the landlord affirmed that the tenants were served at their last known residence, the rental unit, after they had vacated the rental unit. The landlord testified that the rental unit address was used for service on the tenants as the tenants failed to provide the landlord with a forwarding address. Both parties have the right to a fair hearing. The tenants would not be aware of the landlord’s Application without being served with the landlord’s Application. In the matter before me, the landlord served the tenants at an address which the landlord knew the tenants were not residing any longer

and had vacated. As a result, **I dismiss** the landlord's application **with leave to reapply**, due to a service issue. The landlord is at liberty to reapply but is reminded to serve the tenants in accordance with the Rules of Procedure and Residential Tenancy Branch Policy Guideline 12 – Service Provisions.

Given the above, I do not grant the recovery of the filing fee for either party.

Conclusion

The tenants' application is dismissed without leave to reapply.

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

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: April 7, 2017

Residential Tenancy Branch