



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR FF

### Introduction

This hearing dealt with the landlords' Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*") seeking a monetary order for unpaid rent or utilities and to recover the cost of the filing fee.

The landlords attended the teleconference hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), Application for Dispute Resolution (the "Application"), and documentary evidence were considered. The landlords testified that the Notice of Hearing, Application and documentary evidence were mailed via registered mail to the tenants addressed to both tenants in the same registered mail package and did not serve the tenants individually with their own packages.

### Preliminary and Procedural Matter

As the landlords have served both tenants in the same registered mail package, I find that each person has not been individually served, as required by section 89 of the *Act* and Rule 3.1 of the Rules of Procedure.

Both parties have the right to a fair hearing. The tenants would not be aware of the hearing without having both received the Notice of Hearing and Application in accordance with section 89 of the *Act* and Rule 3.1 of the Rules of Procedure. Therefore, **I dismiss** the landlords' application **with leave to reapply** as I am not satisfied the tenants have been sufficiently served with the Notice of Hearing and Application by each receiving their own package. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The landlords' application is dismissed with leave to reapply.

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: October 3, 2017

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Residential Tenancy Branch