



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC FF

Introduction and Analysis

This hearing dealt with the tenants' Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") seeking a monetary order for the return of the tenants' security deposit and/or pet damage deposit, and to recover the cost of the filing fee.

Tenant RL and the tenant's advocate attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application and documentary evidence were considered. The tenant testified that the Notice of Hearing and application was mailed via regular mail to the landlord. The tenant also confirmed that registered mail was not used.

Section 89(1) of the *Act* requires that the Notice of Hearing and application be served by registered mail and not by regular mail. Based on the above, I find that the landlord has not been sufficiently served in accordance with the *Act* as the tenant relied on regular mail versus the registered mail requirement under section 89(1) of the *Act*.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, I **dismiss** the tenants' application **with leave to reapply**. 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*.

I note that the tenant provided an email address so the decision will be sent by email to the tenants and by regular mail to the landlord, who did not attend.

I do not grant the filing fee 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: March 14, 2018

Residential Tenancy Branch