



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC, FF

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- authorization to obtain a return of double their security deposit pursuant to section 38;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 1:55 p.m. in order to enable the landlord to call into this teleconference hearing scheduled for 1:30 p.m. Tenant TVV attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The tenant was unable to provide evidence to support her assertion that she sent the landlord a copy of the dispute resolution hearing package including the Notice of Hearing by registered mail. The only Canada Post Tracking Number or date for registered mailing she had available was for her registered mailing of her forwarding address to the landlord on August 10, 2017, received by the landlord on August 14, 2017. The tenants' application for dispute resolution was not submitted to the Residential Tenancy Branch until September 7, 2017. She said that the documentation for the registered mailing of the dispute resolution hearing package appeared to be at her residence, which she could not retrieve because she was at work.

I dismiss the tenants' application with leave to reapply. I do so as I find that there is insufficient evidence that the tenants have complied with the requirement to serve the

Respondent with the dispute resolution hearing package in accordance with section 89(1) of the *Act*.

Conclusion

The tenants' application 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: March 15, 2018

Residential Tenancy Branch