



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD OLC FFT

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") seeking a monetary order in the amount of \$400.00 for the return of their security deposit and/or pet damage deposit, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenants 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 tenants testified they served the landlord by registered mail and provided one registered mail tracking number orally during the hearing which has been included on the cover page of this decision and identified as "1". The tenants also provided a copy of one registered mail customer receipt with a second registered mail tracking number which has also been included on the cover page of this decision for ease of referenced and identified as "2". Both tracking numbers were reviewed during the hearing on the registered mail tracking website and indicate that "item cannot be delivered as addressed." As a result, the tenants were asked why they used the rental unit address to mail the documents to the landlord. The tenants testified that the landlord advised them by email that the landlord did not have a mailing address and that email was how they should contact the landlord. The tenants confirmed that they were reading from an email but that a copy of the email was not submitted in evidence for my consideration.

Based on the above, and taking into account that the landlord did not attend the hearing, **I am not satisfied** that the landlord was sufficiently served with the Notice of Hearing, application and documentary evidence under the *Act*. I have reached this decision after considering the fact that the tenants did not submit the email they were reading from during the hearing, nor did they have any documentary evidence to

support that the landlord was residing at the rental unit where they served their documents and that could not be delivered as indicated above.

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 a Dispute Resolution 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 do not grant the filing fee as a result due to the 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 12, 2018

Residential Tenancy Branch