



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD FFT

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("*Act*") for a monetary claim in the amount of \$1,000.00 for the return of double the tenants' security deposit, and to recover the cost of the filing fee.

Tenant P.D. ("tenant") 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 he could not recall the specific date that the landlord was served by registered mail. In addition, the tenant could not provide the registered mail tracking number even after the tenant as given five minutes to attempt to locate the registered mail tracking number in his records.

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 have provided no tracking number for registered mail or other documentation to support that the landlord was sufficiently served under the *Act*. I confirmed that the teleconference codes were correct and that the only parties showing on the teleconference were the tenant and I. I waited the required 10 minute waiting period in the interests of fairness, and the landlord did not call into the hearing.

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*.

I do not grant the recovery of the cost of the filing fee due to the service issue.

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*. The recovery of the cost of the filing fee is not granted.

The tenant was advised that this decision will be emailed to the email addresses provided by the tenant for both parties in the tenants' application.

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 25, 2018

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Residential Tenancy Branch