



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, FF

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (“*Act*”), I was designated to hear an application regarding the above-noted tenancy. The tenants applied for:

- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- authorization to obtain a return of double the tenants’ security deposit, pursuant to section 38; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The landlord did not attend this hearing, which lasted approximately 25 minutes. The two tenants, male tenant (“tenant”) and “female tenant” attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The female tenant confirmed that the tenant had permission to speak on her behalf as an agent at this hearing.

### Preliminary Issue – Service of Tenants’ Application

The tenant testified that the landlord was served with the tenants’ written and digital evidence package by way of registered mail. He said that the tenants did not serve the landlord with the tenants’ notice of hearing or application for dispute resolution because they thought that the Residential Tenancy Branch (“RTB”) would do so.

Section 59(3) of the *Act* requires the applicants, in this case the tenants, to serve their notice of hearing and application for dispute resolution to the other party, the landlord, in order to provide notice of this hearing so that the landlord can choose whether to attend. I notified the tenant that the RTB does not provide this service to parties.

Accordingly, I find that the tenants did not serve the landlord with the notice of hearing and application for dispute resolution, in order to provide the landlord with notice to attend this hearing, as required by section 59 of the *Act*.

At the hearing, I advised the tenant that I was dismissing the tenants' application with leave to reapply, except for the filing fee. I notified him that the tenants would be required to file a new application, pay a new filing fee, serve all required documents and prove service at the next hearing, if they wished to pursue this matter further. I notified him that he could consult a lawyer to determine statutory limitation dates for filing, as I could not provide him with legal advice regarding this issue.

### Conclusion

The tenants' application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of 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: May 02, 2018

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Residential Tenancy Branch