



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT/MNSD/FFT

Introduction and Preliminary Matters

On April 17, 2018, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) requesting a Monetary Order for Compensation, a Monetary Order for the return of their Security Deposit and to recover the cost of the Filing Fee. The matter was set for a participatory hearing via conference call.

The Tenants attended the conference call hearing; however, the Landlords did not. The Tenants testified that they failed to serve the Landlords with the Notice of Hearing (the “Notice”).

Section 89(1) of the Act provides guidance for parties with regards to service of certain documents including an Application for Dispute Resolution and the Notice of Hearing. The Notice must be given in one of the following ways; by leaving a copy with the Landlord (personal service); or, by sending a copy by registered mail to the address at which the Landlord does business or resides.

The Landlords did not appear at this hearing and the Tenants did not provide evidence that the Notice was served in the manner required by Section 89(1) of the Act. I am, therefore, unable to hear the Tenant’s Application as I am not satisfied that the Landlords were properly served with the Application for Dispute Resolution or Notice of Hearing. As a result, this Application is dismissed with leave to reapply.

During the Preliminary Matters, the Tenants brought forward their concerns regarding service of documents to the Landlords as the Landlords are not currently in the country and indicated, via email, that they did not receive any of the evidence that the Tenants had sent them. I recommend that the Tenants seek out further information about

substituted service either through calling an Information Officer or viewing the website of the Residential Tenancy Branch.

Conclusion

The Tenant's Application for Dispute Resolution requesting a Monetary Order for Compensation, a Monetary Order for the return of their Security Deposit and to recover the cost of the Filing Fee is dismissed with leave to reapply. This does not extend any time limits set out in the Act.

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: June 07, 2018

Residential Tenancy Branch