



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNSD

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on December 1, 2017 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act*:

- a monetary order for money owed or compensation for damage or loss; and
- an order that the Landlords return all or part of the security deposit and pet damage deposit.

T.S. attended the hearing on behalf of the Tenants. T.S. was accompanied by T.W., who did not participate in the hearing. The Landlords attended the hearing. All in attendance provided a solemn affirmation.

On behalf of the Tenants, T.S. testified the Application package was served on the Landlords in person. The Landlords acknowledged they received a Notice of Dispute Resolution proceeding but denied they received any documentary evidence from the Tenants

The Landlords testified the documentary evidence upon which they intended to rely was served on the Tenants by registered mail on July 7, 2018. They advised that tracking information confirmed the package sent to T.S. was refused. T.S. confirmed this to be true and advised she did so based on her belief the Landlord has to serve her at least 14 days before the hearing. The Landlords also testified tracking information confirmed the package sent to W.M. was not picked up, which T.S. acknowledged. In any event, T.S. confirmed she received the documentary evidence package on July 12, 2018, but questioned why it was served at that time when the Landlords have been aware of the Tenants' Application since December 2017. Neither the Landlords nor the Tenants submitted documentary evidence in support of service as claimed.

In light of the issues with service of documentary evidence by both parties, described above, I find the Tenants' Application cannot proceed. Neither party appears to have been served with documentary evidence to be relied upon in accordance with the Rules of Procedure. Accordingly, I order that the Tenants' Application is dismissed, with leave to reapply.

The parties are encouraged to familiarize themselves with the service provisions found in sections 88 and 89 of the Residential Tenancy Act, and in Rule 3 of the Residential Tenancy Branch Rules of Procedure.

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: July 17, 2018

Residential Tenancy Branch