



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT, FFL

### Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution filed under the *Residential Tenancy Act* (the "*Act*"), made on June 25, 2018. The Tenant applied for a monetary order for compensation pursuant to section 51 of the *Act* and to recover the filing fee paid for the application. The matter was set for a conference call.

One of the Tenants attended the hearing was affirmed to be truthful in her testimony. As the Landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the *Act* states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The Tenant testified that the Application for Dispute Resolution and Notice of Hearing document had been sent by Registered Mail to the Landlord on June 29, 2018, the Tenant provided a tracking number for the mailing into documentary evidence. The Tenant also testified that the Registered Mail had been returned to her unclaimed and that she knew the Landlord did not live there anymore as the property had been sold. Therefore, I find that the Landlord has not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Consequently, I dismiss the Tenants' application with leave to reapply. This decision does not extend any legislated timelines pursuant to the *Act*.

Conclusion

I dismiss the Tenants' application 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: October 23, 2018

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Residential Tenancy Branch