



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

On July 17, 2018, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting a Monetary Order for the return of the security deposit. The matter was set for a participatory hearing via conference call.

The Tenants attended the conference call hearing; however, the Landlord did not attend at any time during the 15-minute hearing. The Tenants testified that they served the Landlord with the Notice of Hearing by registered mail; however, were unable to provide the date of service, tracking numbers or whether the Landlord received the package. I find that the Tenants failed to provide sufficient evidence to prove that the Landlord was duly served with the Notice of Hearing in accordance with Section 89 the Act.

I am, therefore, unable to hear the Tenants’ Application as I am not satisfied that the Landlord was properly served with the Application for Dispute Resolution or Notice of Hearing. As a result, this Application is dismissed with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the Application.

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: November 23, 2018

Residential Tenancy Branch