



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT, MNSD

### Introduction

This hearing dealt with the tenants' Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") for a monetary claim in the amount of \$12,000.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and for the return of the tenants' security deposit.

The tenants attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing"), application, and documentary evidence were considered. The tenants testified that they did not serve the landlord with their application, Notice of Hearing or documentary evidence and that they assumed the Residential Tenancy Branch ("RTB") would serve the other party.

Based on the above, **I am not satisfied** that the landlord was sufficiently served with the Notice of Hearing, application and documentary evidence as required under the Act. I have reached this decision after considering the fact that the tenants confirmed that they did not serve the respondent landlord. In addition, the instructions emailed to the tenants indicate that they have three days to serve the respondent and the respondent was not served at all since the tenants filed their application.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and application. Therefore, **I dismiss** the tenants' application **with leave to reapply**. I note this decision does not extend any applicable time limits under the Act.

Conclusion

The tenants' application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

The tenants were advised that this decision will be emailed to the tenants at the email addresses they provided during the hearing. This decision will be sent by regular mail to the landlord as an email address for the landlord was not provided by the tenants.

The tenants are also reminded to ensure they complete a Monetary Order Worksheet (RTB Form 37) if they decide to reapply and ensure that all documents including the Monetary Order Worksheet are served on all respondents.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: December 18, 2018

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Residential Tenancy Branch