



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

This hearing was scheduled in response to the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- authorization to obtain a return of all or a portion of the security deposit pursuant to section 38.

The landlord did not participate in the conference call hearing, which lasted approximately 10 minutes. Tenant MIK attended the hearing and confirmed he had authority to speak on behalf of tenant MAK, who was not present. Tenant MIK was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Tenant MIK testified that the tenants' application for dispute resolution was personally served to the landlord. The tenant stated that the documents were served sometime in August 2018 but could not specify the specific date of service. In the absence of evidence or landlord testimony confirming service of the application, I dismiss the tenants' application with leave to reapply.

Conclusion

I dismiss the tenants' application with leave to re-apply. Leave to reapply is not an extension of any applicable limitation period.

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: January 03, 2019

Residential Tenancy Branch