



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNDS, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for a monetary order for money owed, for the return of the security deposit and to recover the filing fee.

The tenants attended the hearing. As the landlords did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenants testified that they received an email from the Residential Tenancy Branch indicating the date of the hearing. The tenants stated they made their own notice of hearing and served the landlord on Wednesday, March 6, 2019.

The tenants indicated they did not receive a hearing package from the Residential Tenancy Branch.

In this case, I find the landlords were not served in accordance with the Act, as you cannot make your own notice of hearing.

The Residential Tenancy Branch records show that on November 9, 2018, the tenants were provided by email, as that is the preferred method of service in their application, with copy of documents, which were to be served on the landlords.

As the tenants did not follow the required procedures, I find landlords have not been served in accordance with the Act; I dismiss the tenants' application with leave to reapply. This does not extend any statutory time limit.

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: March 12, 2019

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Residential Tenancy Branch