



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, MNRT, MNSD, RPP

Introduction

This teleconference hearing was scheduled in response to an application by the Tenants under the *Residential Tenancy Act* (the “Act”) for monetary compensation, compensation for the cost of emergency repairs, the return of the security deposit, and for the return of personal property.

One of the Landlords was present for the teleconference hearing while no one called into the hearing for the Tenants during the 10 minutes that the phone line was kept open. The Landlord was affirmed to be truthful in her testimony and stated that they did not receive the Notice of Dispute Resolution Proceeding package or any evidence from the Tenants. The Landlord stated that she received an email from the Residential Tenancy Branch and was sent the information on the hearing after calling to inquire.

The Landlord also stated that she was unable to serve evidence to the Tenants as the address provided on the Application for Dispute Resolution was that of the rental unit in dispute. As the tenancy has ended, the Tenants are no longer residing in this unit.

Preliminary Matters

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party fails to attend the hearing, the hearing may continue in their absence or the application may be dismissed.

As the Tenants did not attend the hearing based on their claims, the hearing did not continue. However, based on the testimony of the Landlord, I find that the Landlords were not served with the Notice of Dispute Resolution Proceeding package or a copy of the Tenants’ evidence as required by rules 3.1 and 3.14 of the *Rules of Procedure*.

Therefore, the Tenants' application is dismissed due to a service issue. The Tenants are at liberty to reapply.

Conclusion

Due to a service issue, the Application for Dispute Resolution is dismissed, 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: June 18, 2019

Residential Tenancy Branch