



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, FFL

Introduction and Preliminary Matter

This hearing dealt with the landlords' Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The landlords have applied for a monetary order in the amount of \$16,050.00 for damages to the rental unit, site or property, to retain the tenant's security deposit, and to recover the cost of the filing fee.

Landlord AF ("landlord") and the tenant attended the teleconference hearing. During the hearing, the tenant stated that some of the documents were served at his current address while other documents including evidence he did not receive as they were served to a different service address. The landlord could not provide a logical explanation as to why documents and evidence were served to two different addresses. Furthermore, neither party submitted any supporting documentary evidence that the tenant has ever provided their written forwarding address to the landlords since vacating the rental unit.

Both parties have a right to a fair hearing and the tenant would not be aware of the hearing without having received the Notice of Hearing, application and all documentary evidence served to their correct mailing address. Therefore, **I dismiss** the landlords' application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee as a result of the service issue.

The tenant is reminded that section 38 of the *Act* requires the tenant to provide their written forwarding address within one year to the landlord. Failure to do so can result in the tenant extinguishing all rights to the security deposit under the *Act*.

Conclusion

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

I do not grant the filing fee due to the service issue.

The decision will be emailed to both parties at the email addresses confirmed for the parties during the hearing.

The tenant is reminded that section 38 of the *Act* requires the tenant to provide their written forwarding address within one year to the landlord.

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: September 3, 2019

Residential Tenancy Branch