



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

The tenants apply to recover a security deposit and for damages against the landlord for a wrongful termination of the tenancy.

The respondent landlord did not attend the hearing within ten minutes after its scheduled start time at 1:30 p.m. on September 13, 2019. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the applicant Mr. M. and this arbitrator were the only ones who had called into this teleconference during that period.

Mr. M. testified that the landlord had not prepared a tenancy agreement or otherwise provided an address at which to receive documents or be served. He says the tenants obtained a physical address for the landlord from the owner of the apartment in question, by the owner forwarding a text from the landlord to the owner in which the landlord gave his address.

Mr. M. sent the Notice of Dispute Resolution Proceeding to the landlord at that address. Unfortunately, the tenant was unable to provide the Canada Post tracking number for that mail nor did he think he could reproduce it if this matter were adjourned for an hour or so. He thinks he's thrown it away.

In these circumstances I find that the tenants have not provided sufficient evidence to show that the landlord has been served with notice of this proceeding. I dismiss the application with leave to re-apply.

I reserve to the next arbitrator any decision about awarding the tenants recovery of the filing fee, if it be shown that their landlord failed to provide an address to them.

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: September 13, 2019

Residential Tenancy Branch