



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the Act) for:

- an order for the landlords to return the security deposit, pursuant to section 38 of the Act;
- an order requiring the landlords to reimburse the filing fee, pursuant to section 72 of the Act.

Only tenant EH attended the hearing. I waited until 1:45PM to enable the landlords to connect with this teleconference hearing scheduled for 1:30PM.

The notice of hearing was issued by the Residential Tenancy Branch on October 24, 2019. Tenant EH testified that she served via courier the notice of hearing and evidence package on December 09, 2019. Tenant EH also testified that the landlords filed an application for dispute resolution and a hearing for that application is scheduled for December 17, 2019 at 1:30 PM.

The courier tracking number and the landlords' application number have been included on the front page of this decision for ease reference.

Rule of Procedure 3.1 states:

3.1 Documents that must be served with the Notice of Dispute Resolution Proceeding Package

The applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute

Resolution;

b) the Respondent Instructions for Dispute Resolution;

c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and

d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].

Based on the foregoing, I find that the tenants did not serve the notice of hearing and evidence package on time. I dismiss the tenants' application for a monetary order with leave to reapply.

As the tenants were not successful in this application, I find that the tenants are not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the tenants' application for a monetary order with leave to reapply.

I dismiss the tenants' request to recover the \$100.00 filing fee paid for this application without 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: December 13, 2019

Residential Tenancy Branch