



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FFT

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenants under the *Residential Tenancy Act* (the “Act”) for the return of the security deposit, and for the recovery of the filing fee paid for the Application for Dispute Resolution.

One of the Respondents was present for the hearing and stated that he acted as an agent/translator for the Landlord during the tenancy (the “Agent”). No one called in for the Tenants during the approximately 11 minutes that the phone line was monitored. The Agent was affirmed to be truthful and stated that he did not receive the Notice of Dispute Resolution Proceeding package or a copy of the Tenants’ evidence. Instead, he stated that he was aware of the hearing through a reminder email from the Residential Tenancy Branch. The Agent was unsure if the Landlord had received notice of the hearing.

As the Tenants/Applicants were not present for the hearing and as I am not satisfied that the Respondents were served as required by the *Residential Tenancy Branch Rules of Procedure*, the hearing did not proceed. A respondent has a right to know about a claim against them and the opportunity to submit testimony and evidence in response. Although a security deposit is dealt with on a tenant or landlord’s application, as service was not confirmed, the hearing did not continue and a decision regarding the security deposit was not made. The Application for Dispute Resolution is dismissed with leave to reapply.

### Conclusion

Due to the absence of the Tenants and as service in accordance with the *Rules of Procedure* was not confirmed, the application is dismissed, with leave to reapply. No findings of fact or law were made regarding the dispute.

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 17, 2019

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Residential Tenancy Branch