



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FFL MNDL-S

### Introduction

This hearing was convened by way of conference call concerning an application made by the landlords seeking a monetary order for damage to the rental unit or property, an order permitting the landlords to keep all or part of the pet damage deposit or security deposit, and to recover the filing fee from the tenants for the cost of the application.

One of the landlords and both tenants attended the hearing. During the course of the hearing one of the tenants advised that no evidentiary material was served to the tenant and all that was served is a Notice of Dispute Resolution Hearing.

The landlord advised that the documents received from the Residential Tenancy Branch were served on the tenant by UPS on September 6, 2019 and the tenants had already received the landlords' evidence, being photographs and copies of text messages, prior to filing the Landlord's Application for Dispute Resolution on August 28, 2019.

The *Residential Tenancy Act* requires a person who claims monetary compensation from another person or persons, to serve each person individually with the Hearing Package within 3 days of making the application. The landlord has not done so. The landlord is also required to provide all evidence to the tenants even if the tenants have received it prior. The landlord has not served any of the evidence.

Given that the landlord has not complied with the *Act* by serving the tenants within 3 days, and by failing to serve any evidence, I dismiss the landlord's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

### Conclusion

For the reasons set out above, the landlord's application is hereby 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: December 20, 2019

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Residential Tenancy Branch