



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RANCHO MANAGEMENT SERVICES  
LTD and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNDCT FFT

### Introduction and Analysis

This hearing dealt with the tenants' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) for a monetary order in the amount of \$1,100.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee.

Tenant CV (tenant) and an agent for the landlord TZ (agent) attended the teleconference hearing. The agent confirmed that they were not served with the Notice of Dispute Resolution Proceeding (Notice of Hearing) or application and only became aware of the hearing by way of a reminder email from the Residential Tenancy Branch (RTB). The agent confirmed that they did not serve the application or Notice of Hearing by registered mail. Section 89 of the Act requires that the Notice of Hearing be served by registered mail and not by email.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, I **dismiss** the tenants' application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served with the Notice of Hearing and application in a manner provided for under the Act. I note this decision does not extend any applicable time limits under the Act.

I also make no finding as to whether this matter has already been decided upon in a previous decision, the file number of which has been listed on the style of cause. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Conclusion

The tenants' application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to the tenants and the landlord at the email addresses confirmed during the hearing.

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

I also make no finding as to whether this matter has already been decided upon in a previous decision, the file number of which has been listed on the style of cause.

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: April 16, 2020

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Residential Tenancy Branch