



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenants: MNSD FFT
For the landlords: MNDL-S FFL

Introduction

This hearing was convened as a result an Application for Dispute Resolution (application) by both parties seeking remedy under the *Residential Tenancy Act* (the Act). The landlords applied for a monetary claim in the amount of \$1,100.00 for damage to the unit, site or property, and to recover the cost of the filing fee. The tenants applied for the return of their security deposit and to recover the cost of the filing fee.

The tenants and an agent for the tenants LK (agent) attended the teleconference hearing held on April 14, 2020 at 1:30 p.m. Pacific Time. The landlords did not attend the hearing. As the landlords did not attend the hearing, their application was **dismissed without leave to reapply** after the 10-minute waiting period had elapsed. The hearing continued with the tenants' application, which I will address further below. The hearing lasted a total of 27 minutes. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The tenants confirmed their email address at the outset of the hearing and stated that they understood that the decision would be emailed to them. As the landlords provided their email address in their application, the decision will also be emailed to the landlords.

As the landlords' application was dismissed without leave to reapply and the landlords have claimed against the tenants' security deposit, the tenants were asked to present evidence regarding their written forwarding address. The tenants testified that they

provided their forwarding address by email, text and personally to the landlords; however, the documentary evidence provided by the tenants was an email that was not responded to by the landlord. As section 38 of the Act does not provide for email service of the written forwarding address, I am not satisfied that the tenants have properly served the landlord with their written forwarding address.

Furthermore, the tenants' application was served by regular mail and not registered mail and section 89 of the Act requires service by registered mail and not regular mail when serving an application. For these reasons, I am not satisfied that the tenants have properly served the landlords with their written forwarding address as required under the Act. Given the above, as I am not satisfied that the tenants have served the landlord correctly with their application and with their written forwarding address, I dismiss the tenants' application with leave to reapply due to a service issue and due to insufficient evidence.

Conclusion

The landlords' application is dismissed without leave to reapply.

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

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

I do not grant the filing fee to either party as neither party was successful.

This decision will be emailed to both parties.

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 15, 2020