



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

This hearing was scheduled to convene at 1:30 p.m. this date by way of conference call concerning an application made by the tenants seeking a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the filing fee from the landlord for the cost of the application.

Two of the three named tenants attended the hearing, however the line remained open while the telephone system was monitored for in excess of 15 minutes and no one for the landlord joined the call.

One of the tenants advised that the landlord was served with the Hearing Package by email within 3 days as required, and as advised by the Residential Tenancy Branch. Parties may presently serve documents in that manner, however, the Director's Order dated March 30, 2020 states that until the declaration of a state of emergency expires, Section 88 or 89 documents, which includes Applications for Dispute Resolution made by a landlord or a tenant, can be served by email with acknowledged receipt; or by email with response from the respondent but without identifying any problems of transmission; or by email if the person served has routinely used that email address to communicate with the applicants.

In this case, the tenants have provided no evidence to support that the landlord was served with the Hearing Package which contains the tenants' Application for Dispute Resolution and notice of the hearing.

Therefore, I dismiss the tenants' 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 tenants' 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: August 20, 2020

Residential Tenancy Branch