



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, MNDCL-S, MNDL-S, FFL

Introduction

This hearing dealt with the Landlords' Application for Dispute Resolution, made on September 13, 2020 (the "Application"). The Landlords applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for unpaid rent or utilities;
- a monetary order for damage, compensation, or loss;
- an order to retain the security deposit; and
- an order granting recovery of the filing fee.

The Landlord L.M., and the Tenants H.B. and H.W. attended the original hearing at the appointed date and time. At the beginning of the hearing, the parties acknowledged receipt of their respective application packages and documentary evidence. No issues were raised with respect to service or receipt of these documents during the hearing. Pursuant to section 71 of the *Act*, I find the above documents were sufficiently served for the purposes of the *Act*.

Preliminary Matters

At the start of the original hearing, the Tenants stated that they had mailed a copy of their documentary evidence to the Landlords and also to the Residential Tenancy Branch (RTB). While the Landlord confirmed receipt, none of the Tenants' documentary evidence was available at the time of the hearing for my viewing. The Tenants stated that the mailings took place on December 17, 2020 and according to the Tenants, was received by the RTB on December 29, 2020. The parties agreed to adjourn the hearing to a later date to allow for the Tenants' evidence to be collected by the RTB, and the hearing was adjourned accordingly.

The reconvened hearing was scheduled for 9:30AM on April 9, 2021 as a teleconference hearing. L.M appeared on behalf of the Landlords at the appointed date and time. No one appeared for the Tenants. The conference call line remained open and was monitored for 18 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that L.M. and I were the only persons who had called into this teleconference.

L.M. confirmed that she received the Notice of Adjourned Hearing on January 8, 2021, however, she did not serve a copy of the Hearing Notice to the Respondents. I note that the Notice of Adjourned Hearing states;

“The applicant is required to give the Residential Tenancy Branch proof that this notice and copies of all supporting documents were served to the respondent.”

As the Landlords did not serve a copy of the Notice of Adjourned Hearing to the Tenants, and the Tenants did not attend the hearing to respond to the Landlords' claims, I therefore dismiss the Landlords' Application with leave to reapply.

Conclusion

The Landlords have not served the Tenants with the Notice of Adjourned Hearing pursuant to the Act. As such, the Landlords' Application is 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: April 9, 2021

Residential Tenancy Branch