



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- authorization to obtain a return of all or a portion of their security deposit pursuant to section 38; and
- authorization to recover the filing fee for its application from the landlord, pursuant to section 72.

Only the tenants appeared at the hearing. The tenants provided affirmed testimony and were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

The tenants testified that they served the Notice of Hearing Documents and Application by registered mail. However, neither tenant could recall the exact date of when they did that or provide the tracking number to support their testimony. The tenants were unable to satisfy me that the landlords had been served the Notice of Hearing Documents in accordance with section 89 of the Act and as a result, I dismiss the tenants' application with leave to reapply. The request to recover the filing fee is dismissed without leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: November 14, 2022

Residential Tenancy Branch