



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding MONDOFI (TANDEM) PROPERTIES
INC. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCL-S, FFL

This hearing dealt with the Landlord's Application for Dispute Resolution, made on November 14, 2022. The Landlord applied for the following relief, pursuant to the Residential Tenancy Act (the Act):

- a monetary order for compensation for monetary loss or other money owed;
- an order permitting the Landlord to retain the security deposit; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by RJ, an agent. The Tenants were represented at the hearing by GSM. Both RJ and GSM provided a solemn affirmation at the beginning of the hearing.

On behalf of the Landlord, RJ testified that the Notice of Dispute Resolution Proceeding package was served on the Tenants by email, pursuant to an order for substituted service. Although the order is dated March 23, 2023, RJ testified that these documents were emailed to the Tenants on November 26, 2022, before the order for substituted service was granted. Further, GM testified that he did not receive any documents from the Landlord. Considering the above, I find there is insufficient evidence before me to conclude these documents were served in accordance with the Act. The Landlord's application is dismissed with leave to reapply.

As the Landlord's application has been dismissed, I find it appropriate to order that the security deposit held (\$1,325.00) be returned to the Tenants. The Tenants are ordered to provide the Landlord with their current mailing address in writing for the purpose. In support, I grant the Tenants a monetary order for \$1,325.00. The order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

As noted above, the Landlord remains at liberty to reapply for compensation for monetary loss or other money owed, in accordance with the time limits set out in the Act.

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 24, 2023

Residential Tenancy Branch