



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNSD, FFT

Introduction

This hearing was scheduled to convene at 1:30 p.m. on March 8, 2024 concerning an application made by the tenants seeking a monetary order for return of the security deposit or pet damage deposit and to recover the filing fee from the landlord for the cost of the application.

Both named tenants and an agent for the landlord attended the hearing, during which the landlord's agent submitted that the tenants did not serve the landlord with the Notice of Dispute Resolution Proceeding. The landlord learned of the hearing in an email received from the Residential Tenancy Branch reminding the landlord of the hearing date and time.

The tenants submitted that it was served by registered mail to the address of the landlord on the tenancy agreement on November 25, 2023, and orally provided a tracking number, but no evidence of service.

The tenants have indicated in the record that the dispute service package by Canada Post on November 24, 2023.

The law requires a party to serve a Notice of Dispute Resolution Proceeding and other required documents within 3 days of receiving the documents from the Residential Tenancy Branch. The onus is on the tenants to prove such service, and in the absence of any evidence to satisfy me that the landlord was served in accordance with the *Act*, I dismiss the tenants' application with leave to reapply.

Leave to reapply is not an extension of any time limits under the *Act*.

I have made no findings of fact or law with respect to the merits of the tenants' application.

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: March 11, 2024

Residential Tenancy Branch