



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT

### Introduction

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

- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67.

The two landlords did not attend this hearing, which lasted approximately 10 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### Preliminary Issue – Service of the Tenant's Application

The tenant testified that she thinks the landlords were personally served with the tenant's application for dispute resolution hearing package on July 20, 2018. She said that she then filed an amendment to her application and served it to the landlords by registered mail on August 9, 2018.

The tenant's original application, prior to the amendment, was filed on July 31, 2018. The tenant was required to serve this original application to the landlords in order for them to attend this hearing. The amendment was a subsequent document. Therefore, it was not possible for the tenant to have served the landlords with her notice of hearing or application for dispute resolution on July 20, 2018, before it even existed on July 31, 2018. Further, the landlords did not attend this hearing to confirm receipt of the tenant's application.

Accordingly, I find that the tenant failed to prove service in accordance with section 89(1) of the *Act* and the landlords were not served with the tenant's application.

At the hearing, I informed the tenant that I was dismissing her application with leave to reapply. I notified her that she would be required to file a new application to pursue her monetary claim. I cautioned her that she would have to prove service at the next hearing, including specific evidence regarding the date, method and proof of service.

### Conclusion

The tenant's 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: September 17, 2018

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Residential Tenancy Branch