



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, FFT

Introduction

On June 27, 2018, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting a Monetary Order for the security deposit, and to recover the cost of the filing fee. The matter was set for a participatory hearing via conference call.

The Tenant attended the conference call hearing; however, the Landlords did not attend at any time during the 18-minute conference call. The Tenant testified that he attempted to serve the Landlords with the Notice of Hearing by registered mail. However, the Tenant admitted that he was not sure if the Notice of Hearing package was received by the Landlords, what date the package was sent and could not produce a tracking number for the package. As a result, I find that the Landlords have not been duly served with the Notice of Hearing in accordance with Section 89 the Act.

I am, therefore, unable to hear the Tenant’s Application as I am not satisfied that the Landlord was properly served with the Application for Dispute Resolution or Notice of Hearing. As a result, this Application is dismissed with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the Application.

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 06, 2018

Residential Tenancy Branch