



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for the return of the remainder of the security deposit that the Landlord is holding without cause; and to recover the \$100.00 cost of their Application filing fee.

The Tenant, T.C., appeared at the teleconference hearing, but no one attended on behalf of the Landlord. I asked the Tenant how he served the Landlord with the Notice of Hearing documents and his evidence, and he said he sent it by registered mail. However, the Tenant said that the registered mail package was returned because the Landlord had sold his residence. The Tenant acknowledged that this would mean the Landlord did not have the opportunity to even reject the registered mail package, because he did not live at the residence to where it was sent.

I reproduce the relevant Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules") below. The requirements within these Rules are consistent with the principles of natural justice and administrative fairness, with which administrative hearings, such as this, must be conducted.

3.1 Documents that must be served with the Notice of Dispute Resolution Proceeding Package

The applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request

process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and

- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].

[underlining emphasis added]

There may be some evidence on which the applicant wants to rely that is not available at the time the applicant applies to the RTB for dispute resolution. The applicant may submit this evidence to the RTB and serve it on the respondent(s), as soon as possible, but not more than 14 days before the hearing, as provided under Rule 3.14.

If you need any of this explained further, please don't hesitate to call the RTB office and speak with an information officer for clarification of any residential tenancy matter.

In light of the above, I dismiss the Tenants' Application with leave to reapply. However, the claim for the return of the security deposit is dismissed without 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: May 20, 2022

Residential Tenancy Branch