



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Decision

Dispute Codes: MND, MNDC, MNSD, FF

## Introduction

This hearing dealt with the landlord's application for a Monetary Order for damage to the rental unit, compensation for damage or loss under the Act, regulations or tenancy agreement, to retain the tenants' security deposit and recover the filing fee. The tenants did not appear at the hearing. The landlord provided testimony that the tenants were served with notification of today's hearing by registered mail. The landlord provided a single tracking number as evidence of the service by registered mail. The landlord acknowledged that two copies of the hearing package were made; however, both hearing packages were placed in a single envelope and sent to the tenants. The landlord acknowledged that the registered mail was returned to the landlord as unclaimed. The landlord attempted to serve the hearing documents in person; however, the tenants would not answer the door.

## Issues:

1. Has the landlord sufficiently served the tenants with notification of the hearing in accordance with the requirements of the Act?

## Findings and Analysis

The dispute resolution process is based on the principles of natural justice. Natural justice requires that a respondent be informed of the nature of the claim and the monetary amount sought against them. This is the primary reasons for serving the Application for Dispute Resolution and the Notice of Hearing upon each of the

respondents. The Rules of Procedure also require that each named party be served. In this case, I do not find that providing both hearing packages in one registered mail envelope constitutes service upon each tenant. Even if there was evidence that one tenant had picked up the registered mail there is insufficient evidence that the other tenant receive his or her copy of the hearing package.

Where a party named on an Application for Dispute Resolution is not adequately served, it is possible to amend the application to name only the tenant that was sufficiently served. However, in this case, I was not provided sufficient evidence to determine which of the tenants was named on the registered mail envelope; therefore, I cannot amend the landlord's application.

Where a respondent does not appear at an arbitration hearing, the applicant must be prepared to prove service. Where service is by registered mail, the applicant should have evidence of service that includes the original receipt given by the post office, the date of service, the address of service, and that the address of service was the person's residence at the time of service. As I have found that the landlord failed to provide sufficient evidence concerning service of the hearing documents, I dismiss the landlord's application with leave to reapply and make no findings of fact or law with respect to the landlord's monetary claim.

### Conclusion

The landlord's application is dismissed with leave to reapply.

March 31, 2009

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Date of Decision

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Dispute Resolution Officer