



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION AND REASONS

### Dispute Codes

NMD, MNR, MNDC, MNSD, & FF

### Introduction

This hearing dealt with an application by the landlords seeking a monetary claim related to loss of rent, damage to the rental unit and loss due to breach of the tenancy agreement and *Act* by the tenant.

### *Service of Notice of Hearing and Landlords' Application*

The landlords submitted that the tenant abandoned the rental unit without providing a forwarding address. As a result they have no knowledge of where the tenant currently resides. However, the landlords do have the contact number and address of the tenant's father. They attempted on numerous occasions to reach either the tenant or the tenant's father by telephone without success.

The landlords sent notice of this hearing and their application by registered mail to the tenant's father's address on February 12, 2009. The registered package was returned to them.

### Analysis

Section 89 of the *Act* requires that a respondent to an application for a monetary claim be served in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

In the circumstances before me the landlords are required to either send the registered mail with the documents to an address at which the tenant current resides or to an address provided by the tenant.

The address for which the landlords sent the documents does not meet either of these requirements and as a result I am unable to find that the tenant was served in accordance with section 89 of the *Act*.

As a result I dismiss the landlords' application with leave to re-apply.

Conclusion

The landlords' application is dismissed with leave to re-apply as the service requirements of section 89 have not been met to satisfy the principles of natural justice and procedural fairness.

Dated April 23, 2009.

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Dispute Resolution Officer