



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's request for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent and recovery of the filing fee. The tenants did not appear at the hearing. The landlord testified that each tenant was served with notification of this hearing by Registered Mail sent on May 25, 2009 to an address different than the rental unit. The landlord verbally provided Registered Mail tracking numbers as evidence but not the Registered Mail receipt showing the address used to address the mail. The landlord confirmed the Registered Mail sent to each tenant was returned to the landlord as unclaimed.

Upon enquiry, the landlord explained that the address for service upon the tenants was obtained by the landlord's skip tracer and the skip tracer had told the landlord that address is where the tenants now reside. The landlord had not provided any documentary evidence, or any other verification, that would support the conclusion that the tenants now reside at the address used for service of the Notice of Hearing and Landlord's Application for Dispute Resolution.

### Issue(s) to be decided

Has the landlord proven that the tenants have been served with notification of this hearing in accordance with the requirements of the Act?

### 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, the monetary amount sought against them and an opportunity to respond to the claims made against them. This is one of the many purposes of serving the respondent with the Application for Dispute Resolution and the Notice of Hearing.

As the landlord testified the tenants had vacated the rental unit before the date of this hearing, the landlord was only seeking a Monetary Order against the tenants. Section 89(1) provides that a respondent must be served in one of the following ways:

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- (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;

[my emphasis]

I find that the landlord did not provide sufficient evidence to satisfy me that the landlord met the service requirements of section 89(1) and I dismiss the landlord's application with leave to reapply.

## Conclusion

The landlord'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: June 25, 2009.

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Dispute Resolution Officer