



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes:

MNDC, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for a monetary Order for loss or damage and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The Agent for the landlord provided affirmed testimony that this tenancy terminated at the end of November, 2007. The landlord provided evidence that the tenants were served with Notice of this hearing via registered mail sent to an address identified through a "skip tracing" process and that the address was also identified through the use of a web site.

The landlord could not provide testimony as to how the "skip tracing" process works and how the landlord can be confident that the tenants continue to reside at the address served. Section 89 (2) of the Act requires that service of an Application for Dispute Resolution requesting a monetary Order be served, when mailed, to the address where the respondent resides. In the absence of detailed evidence or testimony as to how the landlord established the residential address I find that Notice of this hearing to the tenants is not deemed completed. Further, the use of a web site can not be relied upon to provide current and accurate residential addresses for the purpose of document service.

Conclusion

As I find the tenants are not deemed to have been served with Notice of this hearing the landlord's application for dispute resolution is dismissed with leave to reapply.

Dated June 26, 2009.

Dispute Resolution Officer