



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR

Introduction

This hearing was scheduled to hear the landlord's application for a Monetary Order for unpaid rent. The tenants did not appear at the hearing. Upon enquiry, the landlord testified that he sent notification of the hearing to both tenants in the same envelope via registered mail. The landlord did not provide documentary proof of the registered mail and was not able to provide verbal testimony of the tracking number. I was not satisfied the tenants were adequately served in accordance with the Act and I dismissed the landlord's application with leave to reapply.

Analysis

Natural justice requires that a respondent be informed of the nature of the claim and the monetary amount sought against them. This is one of the many purposes of serving the Application for Dispute Resolution and the Notice of Hearing. With respect to serving another party with an application for monetary compensation, section 89 of the Act and requires that each respondent be served with the hearing packing, including the hearing notice and the Application for Dispute Resolution 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;

Where a respondent does not appear for a hearing, the applicant is required to provide proof of service of the hearing package. For service by registered mail evidence should include the registered mail receipt given by the post office which includes the date of



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service and the address for service. The applicant must be prepared to show that the address for service was the person's residence at the time of service or was the forwarding address given by the respondent.

Conclusion

The landlord did not prove service of the hearing package upon the tenants and the landlord's application was 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: July 03, 2009.

Dispute Resolution Officer