



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

MND, MNR, MNDC, MNDS, & FF

Introduction

This hearing dealt with an application by the landlord seeking a monetary claim for damage and loss suffered as a result of breaches of the tenancy agreement by the tenants.

Preliminary Issue:

The landlord submitted evidence that only one of the tenants' was served because the landlord only had an address for the one tenant. I note that the tenancy agreement only identifies one tenant, although it is signed by five individuals. I was not able to decipher the signatures on the tenancy agreement. The name on the tenancy agreement does not match the name of the respondent identified in this application.

The landlord stated that the address used for service of the documents on the names respondent was obtained when the person filled out an application to rent. It is allegedly this person's parent's address; however, the landlord had no evidence to confirm that the respondent resided at this address.

Issues(s) to be Decided

Is the respondent named in this application a tenant under the tenancy agreement?

Has the respondent been served with notice of this application and hearing in a manner required by section 89 of the *Act*?

Analysis

I find that there is insufficient evidence before me to establish that the respondent named in this application is a tenant under the tenancy agreement. However, I also find that this is not a relevant as I am also unable to determine that the respondent was served in a manner required by section 89 of the *Act*.

As the landlord has failed to serve the respondent as required by section 89 of the *Act* I dismiss the landlord's application with leave to re-apply.



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Conclusion

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*. I have determined that the respondent was not served in accordance with section 89 of the *Act* and I have dismissed the landlord's application with leave to re-apply.

Dated: August 05, 2009.

Dispute Resolution Officer