



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

This hearing dealt with the landlords' request for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent and recovery of the filing fee. The tenant did not appear at the hearing. The landlords testified that the landlords served notice of today's hearing by giving it to the tenant's boyfriend. The landlords testified the tenant had not been seen in the weeks before the application was filed and that only the tenant's boyfriend attended the rental unit to retrieve the tenant's possessions so they served the tenant's boyfriend. The landlords asserted that the tenant acknowledged receipt of the hearing notice via an email addressed to them. Email is insufficient confirmation of service. Having not been satisfied the tenant had been served with the notice of hearing, the landlords' application, or evidence in accordance with the provisions of section 89 of the Act I dismissed the landlords' application with leave to reapply.

The dispute resolution process is based on the principles of natural justice. Natural justice requires that the respondent be informed of the claims made against them and the opportunity to respond to those claims. Section 89(1) of the Act applies to applications for monetary orders and requires the applicant to serve the respondent 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;

The landlords are at liberty to make another application in order to serve the tenant in a manner that complies with the Act.



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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: August 14, 2009.

Dispute Resolution Officer