



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNDC, MNSD, 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 landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing dated June 30, 2009 was served via registered mail to each of the tenants at the tenant's parent's address. The landlord stated the mail was returned as unclaimed. The landlord stated that prior to moving in the tenants had lived with a parent. The landlord stated that at the start of the tenancy in March 2008 the tenants had provided the parent's address to the landlord and that the tenant's cheques had indicated the same address. The landlord testified that in January 2009 the tenants told her they were moving out and would live with their parents. At the end of the tenancy the tenants did not provide a forwarding address.

Residential Tenancy Branch policy provides guidance in relation to service of a Notice of Hearing and related documents:

Where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant.

There is no evidence before me that the service address used by the landlord is the address where the tenants currently reside. There is also no evidence before me that this is the address for one of the tenant's parents and, if it was, that the parents have remained there since March 2008.

These documents are not deemed to have been sufficiently served in accordance with section 89 of the *Act*. Therefore, I find that this 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*.



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Dated: October 06, 2009.

Dispute Resolution Officer