



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNR, OP

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for an Order of possession and monetary Order for unpaid rent.

The landlord provided affirmed testimony that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenants via registered mail at the address noted on the Application. The landlord was unable to provide the date the mail was sent and could not provide testimony in relation to service to each respondent. One Canada Post tracking number was provided as evidence of service for mail sent on March 6, 2010.

When making a monetary claim Section 89 of the Act requires an applicant to serve a respondent via registered mail or personal delivery. I was unable to determine which tenant was served or if the address used was the correct service address for the tenants. Residential Tenancy Branch Rules of Procedure, section 3.1 requires service of the Application to each respondent. Therefore, even if the service address was correct I am unable to determine which of the 2 tenants may have been properly served.

Therefore, I find that the tenants have not each been served with Notice of this Hearing, as required by section 89 of the Act and that this Application is dismissed with leave to reapply.

As the tenants have vacated the rental unit, service in relation to a request for an Order of possession was not an issue.

Conclusion

I find that the 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*.

Dated: April 15, 2010.

Dispute Resolution Officer