

## **Decision**

### **Dispute Codes:**

MNR, MNDC, MNSD, FF

### **Introduction**

This is the Landlord's application for a Monetary Order for unpaid rent, loss of rent, and unpaid utilities; to apply the security deposit in partial satisfaction of the monetary award; and to recover the cost of the filing fee from the Tenants.

### **Preliminary Matters**

This application was scheduled to be heard via teleconference on April 27, 2010 at 9:00 a.m. At 9:10 a.m., neither Tenant had signed into the teleconference.

The Landlord testified that he served the Tenants with the Notice of Hearing documents on December 9, 2009, by placing the documents in their mail box at their new residential address. The Landlord could not provide the complete address.

Section 89 of the Act states:

### **Special rules for certain documents**

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given 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;

(e) as ordered by the director under section 71 (1)  
*[director's orders: delivery and service of documents]*.

The Landlord did not serve the documents upon the Tenants in accordance with the service provisions of Section 89 of the Act. Therefore, the Landlord's application is dismissed with leave to re-apply.

### **Conclusion**

The Landlord's application is dismissed with leave to re-apply.

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.

April 27, 2010

Date of Decision

---