

## **DECISION**

Dispute Codes      RPP, MNDC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants for a Monetary Order for reimbursement of the security and pet deposit and for loss under the Act, regulation or tenancy agreement, for return of personal property, and to recover the cost of the filing fee from the Landlords for this application.

### Issue(s) to be Decided

Are the Tenants entitled to a Monetary Order under sections 67 and 72 and an Order for return of personal property under section 65 of the *Residential Tenancy Act*?

### Background and Evidence

The Tenants testified service of the Notice of Dispute Resolution packages were sent to the Landlords at the dispute address, where they, the Landlords formerly lived, via registered mail on August 26, 2010. The Tenants testified that the Landlords did not live at that address, but that they collected mail at that address every other day. The registered mail went unclaimed.

### Analysis

The evidence supports the Notice of Dispute Resolution packages were sent via registered mail to each Landlord to an address where the Landlords no longer reside. I find that service of the Notices of Dispute Resolution were not effected in accordance with Section 89 of the *Residential Tenancy Act* which states that service of Notice of

Dispute Resolution, if sent via registered mail, must be sent to the address at which the person resides.

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As I have found the service of documents not to have been effected in accordance with the *Act*, I **dismiss** the Tenants' claim, **with leave to reapply**.

As the Tenants have not been successful with their application, I find that they are not entitled to recover the cost of the filing fee from the Landlords.

#### Conclusion

**I HEREBY DISMISS** the Tenants' claim, 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: October 08, 2010.

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Dispute Resolution Officer