

DECISION

Dispute Codes MND MNR MNDC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for damage to the unit, site or property, for unpaid rent or utilities, and for money owed or compensation for damage or loss under the Act, regulation or Tenancy agreement.

Issues(s) to be Decided

Have the Landlords proven entitlement to a Monetary Order pursuant to section 67 of the *Residential Tenancy Act*?

Background and Evidence

At the onset of the hearing the Landlord provided affirmed testimony that they were notified sometime in June 2010 that the Tenants abandoned the rental unit. The Landlords do not know where the Tenants are currently residing so they sent the Dispute Resolution documents to the rental unit via registered mail. The registered mail documents were returned to the Landlords.

Analysis

The evidence supports the Notice of Dispute Resolution packages were sent via registered mail to each Tenant to an address where the Tenants 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 Landlord's claim, with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlords' 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 25, 2010.

Dispute Resolution Officer