



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 to deal with the tenants' application for a Monetary Order for return of the security deposit and compensation for damage or loss under the Act, regulations or tenancy agreement. The landlords did not appear at the hearing. The tenant was asked to provide proof of service of the hearing documents upon the landlords. The tenant provided one registered mail tracking number for mail sent July 8, 2010. A search of the tracking number showed that the mail was returned to the tenant as the mail could not be delivered as addressed. The tenant claims she sent a subsequent registered mail package to the landlord but was unable to provide proof despite giving the tenant approximately 25 minutes to locate the receipt.

Where a respondent does not appear at a hearing, it is upon the applicant to proof service of the hearing documents. Where hearing documents are sent via registered mail proof of service should include a copy of the registered mail receipt including the date of mailing, the tracking number, the address to which it was sent and confirmation that the address is that of the respondent. Since the tenant could not prove the landlords were served with the hearing documents for this hearing, I dismissed the tenants' application with leave to reapply.

As the tenant was also informed during the hearing, the Act and Rules of Procedure require the applicant to serve each respondent with a copy of the application and evidence. Since two respondents were identified in this application the tenants were required to send two separate registered mail packages to the respondents.

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: November 17, 2010.

Dispute Resolution Officer