

## **DECISION**

**Dispute Codes**      MNSD, MND

### **Introduction**

This hearing was convened in response to an application filed by the landlord seeking a monetary Order for damage and seeking to retain the security deposit. The total sum sought by the landlord is \$4,721.60.

The tenants did not appear at the hearing of this matter.

### **Submissions on Service**

The landlord testified that she served the tenants with the Application for Dispute Resolution hearing package on February 7, 2010 by sending it by way of way of registered mail however she did not supply a registered mail receipt or tracking number. The landlord testified that she sent the registered mail package to the tenants at a forwarding address supplied by them on the move-out inspection report. However, the landlord did not provide a move-out inspection report into evidence. In her details of dispute as set out in her application the landlord states:

Tenants moved out on Jan 31. They were not ready for 1<sup>st</sup> scheduled walkthrough and asked for extension. Did not show up for 2<sup>nd</sup> scheduled walkthrough 9 pm on January 31. Tenants made extensive damages to the whole house and left behind a lot of things. With the advice of the Tenancy Board Landlord cashed out tenant's February rent cheque and sent email to tenants to collect their things by February 2 at 2 pm, otherwise they would be disposed of. Landlord took estimates for repairs of whole house, appliances, shampoo and clean and disposal of junk. Landlord is filing for a monetary order.

*(reproduced as written)*

### **Findings on Service**

Although the landlord testified that she served the tenants by sending the application and hearing package by registered mail she has not supplied evidence of that mailing. Further while she says she served the tenants by sending the hearing package by

registered mail to an address supplied by the tenants on the move out inspection report, that report has not been provided in evidence. Further, this submitted is contradictory to the details of dispute originally submitted by the landlord in which the landlord states that the tenants did not attend for the move-out walk through. Overall I am not satisfied that the landlord has supplied sufficient proof that the tenants were served and I am therefore not satisfied that the tenants have had notice of the claims being made against them.

### **Conclusion**

I dismiss the landlord's application 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*.