



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR MNSD MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for unpaid rent or utilities, to keep all or part of the pet and or security deposit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement.

The Landlord and Agent appeared at the teleconference hearing, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Has service of the hearing documents been conducted in accordance with the *Residential Tenancy Act*?

Background and Evidence

The Landlord confirmed the Tenants vacated the property on or before October 31, 2010, and have not left a forwarding address. The Landlords served the Tenants with Notice of Today's hearing via registered mail addressed to the rental unit as this was the last known address they had for the Tenants.

Analysis

The evidence supports the Notice of Dispute Resolution packages were sent to the Tenants via registered mail to the rental unit, where the Tenants no longer resided.

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.

As the Landlord has not been successful with his application, I find that he is not entitled to recover the cost of the filing fee from the Tenants.

Conclusion

I HEREBY DISMISS the Landlord's 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: March 24, 2011.

Residential Tenancy Branch