

DECISION

Dispute Codes:

MNR, FF

Introduction

This is the Landlord's application for unpaid rent and to recover the cost of the filing fee from the Tenants.

The Landlord's agent gave affirmed testimony at the Hearing.

Preliminary Matters

The Landlord's agent testified that she mailed the Notice of Hearing documents, by registered mail, to the Tenants at the rental unit on October 30, 2010. Service in this manner is deemed to be effected 5 days after mailing the documents.

The Landlord's agent testified that she believes the Tenants moved out of the rental unit "at the end of October".

Section 89(1)(c) of the Act allows service of an Application for Dispute Resolution to be made by sending a copy by registered mail to the address at which the person resides. The Tenants did not reside at the rental unit when the documents were deemed to be served, and therefore the Landlord has not provided proof that the Tenants were served with the Notice of Hearing documents. Therefore, I dismiss the Landlord's application with leave to reapply.

Conclusion

The Landlord's application is dismissed, 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 04, 2011.
