



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes            MND, MNSD, FF

### 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, an Order to keep the tenants security deposit and to recover the cost of the filing fee.

The landlord shows that he served the tenants by registered mail to an address at which he believed the tenants had moved to. However, the tenants did not appear at the hearing and the Canada Post Tracking information shows that the items were not delivered to the tenants at that address but were redirected. Therefore, I can not conform that the tenants were served according to the section 89 of the *Act* as they did not provide a forwarding address to the landlord and the landlord has provided no evidence to show this was the tenants address or that they have been served with the hearing documents.

### Conclusion

To find in favour of an application, 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. In the absence of proof that the tenants were served with the hearing documents in accordance with the *Act*, 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*.

Dated: April 20, 2011.

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Residential Tenancy Branch