



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 was scheduled to hear the landlords' application for a Monetary Order for damage to the rental unit and authorization to retain the security deposit. The tenants did not appear at the hearing. The landlords testified the female tenant was sent two copies of the hearing documents via registered mail addressed to a forwarding address provided by the female tenant in writing.

The landlords testified that at the time of moving out the tenant wrote a forwarding address on the back of the move-out inspection report. The landlords testified the male tenant was not present at the time of moving out and the landlords do not know if he still resides with the female tenant. The registered mail sent to the female tenant was returned by Canada Post with the notation there was no such address.

Section 89(1) of the Act provides for ways a party must serve another party with an Application for Dispute Resolution related to a monetary claim. A landlord must serve each tenant with an Application for Dispute Resolution with respect to a monetary claim either: in person, or by registered mail sent to the address where the tenant resides or the forwarding address provided by the tenant.

Where a respondent does not appear at a hearing, it is upon the applicant to provide proof of service. Proof of service by registered mail should include the original receipt given by the post office showing the date of mailing and the address of service. In addition, the application must be prepared to prove that the address used for registered mail was the person's residence at the time of mailing or the forwarding address provided by the tenant.

I did not find that sending two copies of the hearing documents to the female tenant to be sufficient service upon the male tenant and I dismiss any claims against the male tenant with leave to reapply.

The landlords had not provided a copy of the forwarding address provided by the female tenant, the registered mail receipt, or a copy of the registered mail envelope returned to the landlords as proof of service upon the female tenant. In the absence of such documentary evidence I found that the landlords did not provide sufficient proof that the female tenant was served in manner that complies with section 89(1) of the Act. The landlords' application against the female tenant is also 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: April 26, 2011.

Residential Tenancy Branch