



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNDC, 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, for unpaid rent and for money owed or compensation for damage or loss. The landlord also seeks to obtain an Order to keep the tenants security deposit and to recover the cost of the filing fee.

The landlord has provided evidence to show that all three named respondents were served by registered mail. The address used for service of these documents was given by one of the respondents at the start of the tenancy who is not a tenant but stood as a guarantor for the tenants. The landlord states that he believes the male tenant lives elsewhere and he believes the female tenant has moved to the address used for service (as the guarantor is her mother). However, the tenants did not appear at the hearing and the Canada Post Tracking information provided by the landlord shows that the items were not picked up by the respondents and had been returned to the landlord.

Therefore, I cannot 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 at the time they were served or that they have been served with the hearing documents. The hearing did not proceed today for the third respondent as she is not named as a tenant and the landlord states that she was only the guarantor. As she is not named as a tenant on the tenancy agreement she has not been properly named as a party in this proceeding.

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: June 02, 2011.

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Residential Tenancy Branch