



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNSD, OLC, PSF, MND, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the tenants for a monetary order, an order that the landlords comply with the Act and provide services and a cross application by the landlords for a monetary order and an order to retain the security deposit. The landlords participated in the conference call hearing but the tenants did not.

### Issue to be Decided

Were the tenants properly served with notice of the landlords' claim?

### Background and Evidence

The landlords testified that the tenants vacated the rental unit on June 4, 2011 and that they served their application for dispute resolution and notice of hearing (the "Hearing Documents") on the tenants by sending them to the rental unit via registered mail. The landlords stated that in a hearing held at the end of May, the tenant stated that they could serve the orders granted in that hearing by mail to the rental unit as he would have his mail forwarded.

### Analysis

As the tenants did not participate in the hearing to advance their claim, the claim is dismissed without leave to reapply.

Section 89(1)(c) of the Act permits service of the Hearing Documents by registered mail to the address at which the party resides. The tenants did not reside at the rental unit at the time the Hearing Documents were mailed. The tenants' agreement to accept orders issued on May 27 by mail sent to the rental unit did not extend to accepting service of an additional claim. I find that the tenants have not been served with the Hearing Documents and accordingly I dismiss the landlords' claim with leave to reapply.

Conclusion

The tenants' claim is dismissed without leave to reapply and the landlords' claim 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: June 15, 2011

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Residential Tenancy Branch