



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This hearing dealt with the landlord's application for a Monetary Order for damage to the rental unit and authorization to retain the tenants' security deposit. The respondents did not appear at the hearing. The landlord provided verbal testimony that each of the respondents were served with the hearing documents via registered mail sent to a forwarding address provided verbally by the female respondent. The landlord testified that both hearing packages were returned as unclaimed.

Preliminary matter

During the teleconference call I permitted the landlord to proceed and present the basis for her application. Upon further review of the documents before me I noted that the female respondent is not a person identified on the written tenancy agreement, is not a signatory to the tenancy agreement, and is not named in any other correspondence between the landlord and tenants. Rather, all of the documents provided by the landlord point to a tenancy agreement with the male respondent and a different female tenant.

I find I have insufficient evidence that the female respondent was a tenant. I also find I am not satisfied the male respondent/tenant has been sufficiently served with notification of this proceeding since the landlord used a forwarding address given verbally by someone other than the tenant. Further, I was not provided any other evidence that would verify the male respondent/tenant resides at the address used to serve him. Therefore, I dismiss this 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: August 19, 2011.

Residential Tenancy Branch