



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNSD MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for unpaid rent or utilities, to keep all or part of the pet and or security deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee from the Tenants for this application.

The Landlords appeared at the teleconference hearing, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, and in documentary form.

Issue(s) to be Decided

1. Have the Landlords met the burden of proof that each Tenant has been served notice of this proceeding in accordance with section 89 of the *Residential Tenancy Act*?

Background and Evidence

At the outset of the hearing the Resident Manager affirmed that only one package was sent via registered mail on July 28, 2011 to serve both Tenants with notice of today's hearing. The address the package was addressed to was obtained from a third party who told the Property Manager that this is where the Tenants are residing.

Analysis

Section 89(1) of the *Residential Tenancy Act* and Section 3.1 of the *Residential Tenancy Rules of Procedures* determines the method of service for documents. The Landlords have applied for a monetary Order which requires that the Landlords serve **each** respondent as set out under *Residential Tenancy Rules of Procedures*.

Section 89(1)(c) of the Act stipulates that if service is conducted by registered mail it must be sent to the address at which the person resides.

In this case only one packaged was sent via registered mail address to the two Tenants and was returned to the Landlord unclaimed. Furthermore there is insufficient evidence to support that the address where the package was sent is where both Tenants reside. Therefore, I find there to be insufficient evidence to prove each Tenant has been sufficiently served notice of the Landlord's application and today's hearing. Accordingly this application is dismissed with leave to reapply.

Conclusion

I HEREBY 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: October 31, 2011.

Residential Tenancy Branch