



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      RPP

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for an order requiring the landlord to return the tenants' personal property.

### Issue(s) to be Decided

Are the tenants entitled an order under section 65 of the *Residential Tenancy Act*?

### Background and Evidence

The landlord did not appear at the hearing.

The male tenant testified that service of the Notice of Dispute Resolution and Hearing package was delivered to the landlord via registered mail to the landlord's place of employment.

### Analysis

Section 89 of the Residential Tenancy Act describes ways in which documents must be delivered, including by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord. The Act defines registered mail **as** including any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.

The tenant was not able to testify or provide evidence, such as a tracking number or receipt, that the Application and Notice of the Hearing was delivered via registered mail.

I therefore find that I cannot determine if service of the Notice of Dispute Resolution was in accordance with Section 89 of the *Act*.

To find in favour of an application for a monetary claim or an order, 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.

Conclusion

As I have found the tenants failed to prove that service of documents was in accordance with section 89 of the *Act*, I **dismiss** the tenants' 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 19, 2011.

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Residential Tenancy Branch