



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords to obtain an Order of Possession for unpaid rent or utilities; a Monetary Order for unpaid rent or utilities; an Order to keep the tenants security deposit, a Monetary Order for money owed or compensation for damage or loss under the Residential tenancy Act (Act), regulations or tenancy agreement; and to recover the cost of the filing fee.

The landlord shows that the tenants were served with a copy of this application and notice of hearing by registered mail to an address at which the landlords believed the tenants had moved to as it was an address on the tenant's cheques. However, the tenants did not appear at the hearing. One of the tenants' mothers did appear and stated that this is her address and the tenants have not lived at her address for many years. The tenants' mother also states that her son is living out of the province at an address she does not have knowledge of. The tenant's mother also states it was her neighbor and not her son who signed for the registered mail for both tenants and he used the tenants name when signing and later brought the registered mail to her home. The tenants' mother states this is not her sons' signature on the Canada Post tracking information and directs the Dispute Resolution Officer to her sons' signature on the tenancy agreement.

I reviewed both signatures and find there is no comparison between them. Therefore, I can not conform that the tenants were served according to the section 89 of the *Act* as they did not provide a forwarding address in writing to the landlord and the landlord has

provided no evidence to show this was the tenants address at the time she served the hearing documents to them.

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: October 24, 2011.

Residential Tenancy Branch