



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order to keep all or part of the security deposit and to recover the cost of the filing fee from the Tenants for this application.

Issue(s) to be Decided

1. Have the Tenants been served notice of this proceeding in accordance with the *Residential Tenancy Act* and the *Residential Tenancy Branch Rules of Procedure*?

Background and Evidence

The Landlord affirmed he sent one envelope via registered mail addressed to both Tenants. During the course of this hearing the Landlord viewed the Canada Post website and confirmed a third party not named in this dispute was the person who signed for the registered mail.

The Landlord's application was received by the *Residential Tenancy Branch* on August 15, 2011 and the Landlord confirmed the tenancy ended on July 31, 2011.

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 Landlord has applied for a Monetary Order which requires that the Landlord serve **each** respondent as set out under the *Residential Tenancy Act* and the *Residential Tenancy Rules of Procedures*. In this case the evidence supports that one envelope was sent registered mail addressed to both Tenants and a third party signed for package. Therefore I find there is insufficient evidence to deem which Tenant was

served with the hearing documents. Accordingly I dismiss the Landlord's application with leave to reapply as service of the hearing documents could not be confirmed.

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: November 16, 2011.

Residential Tenancy Branch