



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND, MNSD, FF

DECISION AND REASONS

This hearing dealt with an Application for Dispute Resolution by the landlords for an order of possession, a monetary order unpaid rent and damage to the rental unit, authority to retain the tenants' security deposit and to recover the filing fee. The landlord's agent appeared and gave affirmed testimony.

The landlord testified that the tenants were served the Application and Notice of the Hearing Package via registered mail on or about January 6, 2012. The landlord stated that the Application and Notice of Hearing documents were delivered to the tenants by registered mail in the same envelope.

Additionally, the landlord testified that the registered mail envelope containing the hearing documents was sent to the tenants' mailing address, which is a post office box address.

The Residential Tenancy Act (the "Act") states that service of a copy of the application must be made to all of the other parties within 3 days of making it.

The Act, Rules of Procedure and principles of natural justice require that each Respondent be informed of the nature of the claim and the monetary amount sought against them. This is one of the many purposes of the Application for Dispute Resolution and the Notice of Hearing. Without being served individually or proof that either was served, the tenants/respondents would easily have any Decision or Order made against them overturned upon Review.

Additionally, section 89 the Act requires that the applicant serve the respondent/tenant the application and Notice of Hearing documents in person or registered mail at an address at which that person resides. Therefore service of the hearing documents to a post office box does not meet the requirements of the Act.

The Residential Tenancy Act and principles of natural justice require that the tenants/respondents be informed of the nature of the claim and the monetary amount sought against them. This is one of the many purposes of the Application for Dispute

Resolution and the Notice of Hearing. Without being served in a manner conforming to the Act and the Residential Tenancy Branch Rules of Procedure, the tenants/respondents would easily have any Decision or Order made against them overturned upon Review.

Therefore, as I find the tenants have not been served with the Notice of Hearing and Application for Dispute Resolution in a manner complying with the Residential Tenancy Act, I **dismiss** the landlords' 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: January 19, 2012.

Residential Tenancy Branch