



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for unpaid rent 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 the Notice of Dispute Resolution documents in accordance with section 89 of the *Residential Tenancy Act*?

### Background and Evidence

The Landlord affirmed that the Tenants vacated the property as of February 28, 2012 after she served the 10 Day Notice in person on February 13, 2012.

She confirmed the Notice of Dispute Resolution documents were sent via registered mail to the rental unit address for each Tenant on March 2, 2012 as supported by her evidence which included copies of the registered mail receipts.

### Analysis

The evidence supports the Notice of Dispute Resolution packages were sent via registered mail to each Tenant to an address where the Tenants no longer reside. Based on the aforementioned, I find that service of the Notices of Dispute Resolution were not effected in accordance with Section 89(1)(c) of the *Residential Tenancy Act* which states that service of Notice of Dispute Resolution, if sent via registered mail, must be sent to the address at which the person resides.

To find in favour of an application for a monetary claim, 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. As I have found the service of documents not to have been effected in accordance with the *Act*, I dismiss the Landlord's claim, with leave to reapply.

As the Landlord has not been successful with her application, I find that she is not entitled to recover the cost of the filing fee from the Tenants.

Conclusion

**I HEREBY DISMISS** the Landlord's claim, 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: March 16, 2012.

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Residential Tenancy Branch