



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that the copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenants via registered mail at the address noted on the Application. The landlord could not tell me when the mail was sent and could not provide the tracking number; a receipt was not supplied

The landlord used a General Delivery mailing address as they had information that this was where the tenants may be receiving mail. The tenants had not provided with landlord with a mailing address.

Section 90 of the Act requires service of an application requesting a monetary order be served to the respondent at the address where that person resides. There was no evidence before me of the validity of the address used and the landlord was unable to provide the details for service. There was no information before as to whether the tenants had signed accepting the registered mail or if the address was used was correct.

Therefore, I find that the tenants have not been served with Notice of the hearing; the landlord has 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: April 03, 2012.

Residential Tenancy Branch