



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MND, MNR, MNSD, MNDC, FF

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested a monetary Order for damage to the unit, for unpaid rent and compensation for damage or loss and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

### Preliminary Matters

Tenant I.C. attended the hearing and confirmed receipt of Notice of the hearing.

The landlord provided affirmed testimony that tenant S.M. was served via registered mail to an address that was included on the tenant's application for tenancy. The registered mail was accepted at the destination on March 31, 2012. The landlord believes this was the tenant's parent's home. The landlord checked the Canada Post web site, for the tracking information and determined the mail had been accepted, but the signature was not shown.

I.C. stated that S.M. has been out of the country and could not have signed accepting the registered mail. Therefore, at the point in the hearing where this information was provided; combined with the landlord's testimony that S.M.'s signature was not visible on the tracking document; I determined that service had not been sufficiently completed to S.M.

I then considered the terms of the tenancy and made the following findings:

- I.C. was a tenant-in-common as he paid his share of rent directly to the landlord;

- I.C.'s tenancy commenced in September 2011 and ended on April 30, 2012;
- A move-in condition inspection report was not completed when I.C. moved into the unit;
- I.C. was the only tenant present on April 30, 2012, when the landlord completed the inspection report;
- That S.M. was a co-tenant on a separate tenancy agreement, which commenced in 2008, of which I.C. had no part.

The landlord withdrew the application made naming tenant I.C. and wished to proceed against tenant S.M.

After establishing that the Canada Post tracking information could not confirm that S.M. had signed accepting the registered mail, I found that service to S.M. was not confirmed and the application was dismissed with leave to reapply.

### Conclusion

The application is dismissed with leave to reapply.

The landlord has named 2 tenants on the same application; however, there are 2 separate tenancies, which must not be combined on 1 application for dispute resolution.

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: May 28, 2012.

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Residential Tenancy Branch