

## **DECISION**

### **Dispute Codes**

MNR, MNDC, FF

### **Introduction**

This hearing was to deal with an Application for Dispute Resolution by the landlord for a monetary order.

The landlord appeared but neither co-tenant appeared. The landlord testified that the tenants were served by registered mail and had submitted proof of service in the form of a tracking stub from Canada Post and a copy of the returned envelope.

The landlord testified that she obtained the forwarding address for the tenants from a third party and confirmed the address with their current landlord.

### **Preliminary Matter**

The registered mail tracking slips documented the names of the parties served and this tracking slip indicated that the tracked item was addressed to both co-tenants.

Sections 88 and 89 of the Act determine the method of service for documents. The landlord has applied for a Monetary Order which requires that the landlord serve the tenants as set out under Section 89(1).

In addition the Residential Tenancy Rules of Procedure, Rule 3.1, states that the applicant must serve **each respondent** with a copy of the Application for Dispute Resolution, along with copies of all of the following: a) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch; b) the dispute resolution proceeding information package provided by the Residential Tenancy Branch; c) the details of any monetary claim being made, and d) any other evidence accepted by the Residential Tenancy Branch with the application or that is available to be served.

In this case by addressing the mail to more than one party and sending a single package by registered mail to both of the tenants, I find that the manner of service was not compliant with the Act nor the Rules of Procedure.

### **Conclusion**

Having found that the landlord has failed to prove adequate service of the Notice of Hearing I have determined that this application must be dismissed 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: May 30, 2012.

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Residential Tenancy Branch