



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

Dispute Codes      MND MNR MNSD MNDC FF

### Preliminary Issues

At the outset of the hearing the Landlord confirmed their Corporate name is not listed anywhere on the tenancy agreement and that the tenancy agreement lists only an Agent of the Corporation.

Based on the aforementioned, I advised the Landlord that I would be amending the style of cause to this application to include the Agent's Name who acted on behalf of the Corporate Landlord by listing his own name on the tenancy agreement, pursuant to section 64 (3)(c) of the Act that stipulates the director may amend an application for dispute resolution or permit an application for dispute resolution to be amended.

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for damage to the unit, site or property, for unpaid rent or utilities, to keep all or part of the security deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee from the Tenants for this application.

### Issue(s) to be Decided

1. Has service of the hearing documents and evidence been conducted in accordance with the Act and Rules of Procedure?

### Background and Evidence

The Tenants stated that they found out about today's hearing after a friend of theirs sought information at the residential tenancy branch on their behalf. They were not served notice of this proceeding by the Landlord however they did receive one copy of the Landlord's evidence in regular mail mid last week.

The Landlord confirmed that service of the hearing documents was done by sending only one registered mail package on April 25, 2012 addressed to both Tenants. He stated the registered mail package was been returned unclaimed and that he sent the package to an address he found on a piece of paper left inside the rental unit which had to do with the Tenants changing their telephone.

The Landlord confirmed sending only one set of evidence to the Tenants on June 7, 2012, to the same address as the hearing documents and this was not returned. The Tenants acknowledged receipt of the evidence and photographs however they did not receive them until mid last week.

As the Tenants were not properly served with copies of the Landlord's application and hearing documents, I gave the Tenants leave to request an adjournment to this hearing, which they requested. The Tenants also requested a second set of evidence so that each Tenant could review the evidence while the male Tenant was out of town working. They confirmed they did not need a second set of the Landlord's photographs. They also confirmed they have not filed an application for dispute resolution at this time.

### Analysis

Section 88(1) of the *Residential Tenancy Act* and Section 3.1 of the *Residential Tenancy Rules of Procedures* determines the method of service for documents. The Landlord has applied for a monetary Order which requires that the Landlord serve **each** respondent Tenant with the Notice of Direct Request Hearing documents and evidence as set out under *Residential Tenancy Rules of Procedures*.

In this case only one registered mail package was sent, which was returned to the Landlord. The Tenants appeared and requested an adjournment. Accordingly, I granted the Tenants' request for an adjournment, pursuant to Rule # 6.3 of the *Residential Tenancy Branch Rules of Procedure*.

At the end of the hearing I issued verbal Orders the Landlord as follows:

- The Landlord is to serve **each** Tenant with copies of his Application for Dispute Resolution and hearing documents forthwith; and
- The Landlord is to serve the male Tenant J.M. with copies of their documentary evidence forthwith.

The Tenants were advised that if they bring an application forward against the Landlord at a future date that it will not be joined with this reconvened hearing.

Conclusion

**Notices of reconvened hearing are included with this decision for each party, accordance with section 89 of the Act.**

Each party must serve the other and the Residential Tenancy Branch, with any evidence that they intend to reply upon at the reconvened hearing. Fact sheets are available at <http://www.rto.gov.bc.ca/content/publications/factSheets.aspx> that explain evidence and service requirements. If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

**Lower Mainland:** 604-660-1020

**Victoria:** 250-387-1602

**Elsewhere in BC:** 1-800-665-8779

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: June 19, 2012.

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Residential Tenancy Branch