



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND, MNR, MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent; damage to the unit; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. The tenants did not appear at the hearing.

The landlord named two respondents in filing this application and provided one registered mail receipt dated May 16, 2012. The landlord stated the tenants no longer reside in the rental unit and the registered mail package was sent to the female tenant's mother's home. The landlord could not confirm that either of the tenants resides at that address.

Where a landlord serves a tenant via registered mail, section 89(1) of the Act provides that the landlord use the tenant's address of residence at the time of mailing or the forwarding address provided by the tenant. It further provides that each respondent must be served with the Application for Dispute Resolution.

Residential Tenancy Policy Guideline 12: *Service Provisions* provides that where a respondent does not appear at a hearing, the applicant must be prepared to prove service under oath. Proof of service by registered mail should include the registered mail receipt given and evidence that the address of service was the person's residence at the time of service, or the forwarding address. Failure to provide sufficient proof of service may result in dismissal of the application with or without leave to reapply.

In this case I find that I was not provided sufficient evidence the address used to send the Application for Dispute Resolution via registered mail was the address of residence of either tenant or the forwarding address provided by either tenant. Further, I find that a single registered mail receipt is insufficient to consider each tenant served.

Considering the above, I dismiss this application against both tenants 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: June 06, 2012.

Residential Tenancy Branch