



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MND; MNSD; MNDC; FF

### **Introduction**

This is the Landlord's application for a Monetary Order for damages to the rental unit; for compensation for damage or loss under the Act, regulation or tenancy agreement; to retain the security deposit in partial satisfaction of his monetary award; and to recover the cost of the filing fee from the Tenants.

The Landlord gave affirmed testimony at the Hearing.

### **Preliminary Matter**

The Landlord testified that that he mailed the Notice of Hearing documents, by registered mail, to the Tenants' new address on September 14, 2012. The Landlord stated that he put both Tenants' copies of the documents in one envelope, addressed to both Tenants. The Landlord provided a copy of the registered mail receipt and tracking number in evidence.

Section 89 of the Act determines the method of service for certain documents, including Notice of Hearing documents. The Act requires that each Tenant be served with a copy of the documents. In this case, the Landlord served both Tenants under cover of the same envelope. A search of the Canada Post tracking system indicates that the Tenant SR received the documents on September 17, 2012.

Tenants are jointly and severally responsible for the payment of rent under a tenancy agreement. In other words, the Landlord may choose to seek a monetary award against one or both of the Tenants. The Landlord indicated that he wished to proceed against both of the Tenants. The Tenants did not sign into the Hearing, which remained open for 20 minutes.

As neither Tenant signed into the conference, I allowed the Landlord to withdraw his Application for Dispute Resolution. I advised the Landlord that he may re-apply.

### **Conclusion**

The Landlord's application is withdrawn. The Landlord is at liberty 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: November 30, 2012.

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Residential Tenancy Branch