



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MND, MNSD, MNDC, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for a monetary order for unpaid rent and damages, for monetary compensation under the Act, to keep all or part of the security deposit, and to recover the filing fee for the claim.

### Preliminary Issue

The landlord attended the hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the “Notice”) was considered.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the tenants were served by registered mail, however, the packages were sent to the address of the rental unit after the tenants had vacated. The landlord stated the tenants did not provide a forwarding address at the end of the tenancy.

Under Section 12 of the Residential Tenancy Policy Guidelines where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant.

As the tenants were not residing in the unit at the time of the mailing, I find the landlords have not served the tenants in accordance with the Act. As a result, the landlords’ application is dismissed with leave to reapply.

### Conclusion

The landlords’ application is 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: January 07, 2013.

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Residential Tenancy Branch

