



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RAMCO International Properties Canadian Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNSD, MNR, MNDC, FF

### Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for money owed or compensation for damage or loss and unpaid rent, for authority to retain the tenants' security deposit and for recovery of the filing fee.

The landlord appeared; the tenants did not appear.

The landlord testified that each tenant was served with the Application for Dispute Resolution and Notice of Hearing by registered mail on November 21, 2012. The landlord provided the receipts and tracking number of the registered mail.

When questioned about the service address used for delivery of the documents to the tenants, the landlord's agent said that the tenants called a property manager about 15 days after they vacated the rental unit and asked for a return of their security deposit.

### Analysis and Conclusion

Section 89 (1) of the Residential Tenancy Act states that an application for dispute resolution must be served upon the respondent (the tenants in this case) leaving it with the other party, by registered mail to the address at which the person resides, or if a tenant, by registered mail to the forwarding address provided by the tenant.

In the case before me, I find the landlord submitted insufficient evidence to prove that the address used for the tenants was their correct forwarding address. In reaching this conclusion, I was influenced by the landlord's written evidence, with the only mention of a forwarding address by the tenants being made on the condition inspection report, showing the tenants left no forwarding address.

Further the landlord failed to convince me the tenants called with a forwarding address as the property manager alleged to have received the tenants' telephone call was not made available for questioning. There was no further proof that the tenants gave the landlord a forwarding address.

As I was not convinced that the address listed on the landlord's application for dispute resolution for the tenants was a forwarding address or even a correct address, I find the landlord submitted insufficient evidence that the tenants were served notice of this hearing and the landlord's application for dispute resolution as required under section 89 of the Act. I therefore dismiss the landlord's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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* and is being mailed to both the applicant and the respondent.

Dated: February 21, 2013

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Residential Tenancy Branch

