



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the landlord – MNR, FF

For the tenants – MNDC, MNSD, RP, FF

Introduction

This hearing was convened by way of conference call in response to both applications for Dispute Resolution. The landlords filed an application for a Monetary Order for unpaid rent or utilities and to recover the filing fee from the tenants for the cost of this application. The tenants filed an application to recover the security and pet deposit; for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; for an Order for the landlord to make repairs to the unit, site or property; and to recover the filing fee from the landlords for the cost of this application.

Both parties appeared at the hearing. The parties agreed that they had served the other party with a copy of their application, Notice of hearing and evidence by normal Canada Post mail. The tenants stated that they had not received a package from the landlord and only found out about the hearing because they called the Residential tenancy Office.

Analysis

Section 89 of the Act states that hearing documents must be given in one of the following ways:

89 (1) *An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:*

- (a) by leaving a copy with the person;*
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;*
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;*
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;*
- (e) as ordered by the director under section 71 (1) [director's orders: delivery and service of documents].*

According to section 89 of the *Act*, documents for Dispute Resolution cannot be served by mailing them in the normal Canada Post mail. Consequently, I am unable to determine that the parties were sufficiently served for the purposes of the *Act*.

Conclusion

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. In the absence of proof that the parties were served with the hearing documents in accordance with the section 89 of the *Act*, I dismiss both parties' applications 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: March 06, 2013

Residential Tenancy Branch

