



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent and for damage to the unit pursuant to section 67; and
- authorization to recover their filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I waited until 11:15 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 11:00 a.m. The male landlord (the landlord) attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

Service of Application

The landlord testified that he served the tenants with the landlords' application for dispute resolution package by sending it to them by registered mail on June 27, 2013. He testified that he sent it to them at an address identified in an application from someone identifying himself as the landlords' tenant for this tenancy in another dispute resolution application initiated by that individual. He believed that the name provided to he and his wife at the commencement of this tenancy may have been an alias, and the tenant was only now revealing his true name during the course of the application naming the landlords as co-Respondents.

Analysis – Service of Application

Section 89 of the *Act* establishes Special rules for serving certain documents, which include an application for dispute resolution. A landlord can send a dispute resolution hearing package containing an application for a monetary award to a tenant by registered mail only to an address supplied by the tenant. In this case, the landlord sent the dispute resolution hearing package to the address of a separate individual, who was actually the sub-tenant of the landlords' tenants. This was determined in the preceding hearing of that individual's application in which the landlords were named as co-

Respondents along with another Respondent, who apparently sub-let the rental premises. As I found that service was not provided to the tenants in accordance with the *Act*, I advised the landlord at the hearing of my decision to dismiss the landlords' application for a monetary award with leave to reapply.

Conclusion

I dismiss the landlords' application 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: August 15, 2013

Residential Tenancy Branch

