



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, FF

The Hearing was scheduled to start at 9:00 a.m. The Tenants did not attend the Hearing after waiting for 10 minutes. The Landlord states that he mailed the Notice of Hearing documents to the Tenants at their personal reference addresses contained in their application for rent.

The Landlord did not provide evidence that Tenant ET provided a forwarding address and states that this Tenant's mail was returned.

The Landlord states that at the end of the tenancy he was told by Tenant ET that the Tenants had separated and that Tenant AB was going to her parents. The Landlord states that the Tenant AB did not provide a forwarding or residential address and that although the Landlord contacted Tenant AB at the parent's phone number in July 2013 the Landlord did not confirm with this Tenant that the Tenant resided at that address, which the Landlord states is the personal reference address provided in the rental application. The Landlord states that he did not check if Tenant AB collected the mail.

Section 89 of the Act provides that an application for dispute resolution 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*].

Given the circumstances between the Tenants, I do not find the information provided to the Landlord by the Tenant ET to be sufficient evidence of the residence of the Tenant AB. I also do not consider a phone call to a parent's home evidence of residency of a person without confirmation by that person that they reside at that residence. For these reasons and considering that no forwarding address was provided by Tenant AB, I find that the Landlord has not provided sufficient evidence of the required service on the Tenant AB.

As the Landlord has not provided any evidence that the mail sent to Tenant ET was sent to this Tenant's forwarding address or has provided any evidence that this Tenant resides at the address the package was sent to, I find that the Landlord has not provided sufficient evidence of the required service on Tenant ET.

As the Landlord has not provided sufficient evidence of service, I dismiss the 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: December 04, 2013

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Residential Tenancy Branch

