



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR FF

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution, seeking a monetary order for unpaid rent or utilities, and to recover the cost of the filing fee.

The landlords attended the hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") was considered. The landlords testified that the Notice of Hearing and Application was mailed via registered mail to the tenants at the rental unit address on December 27, 2013. A tracking number was provided in evidence. The landlords confirmed that the tenants were mailed the Notice of Hearing and Application, and evidence to both tenants in the same registered mail package and did not serve the tenants individually with their own packages.

Preliminary and Procedural Matter

As the landlords have served both tenants in the same registered mail package, I find that each respondent has not been individually served, as required by section 89 of the *Act* and section 3.1 of the Rules of Procedure.

Both parties have the right to a fair hearing. The tenants would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, I **dismiss** the landlords' application **with leave to reapply** as I am not satisfied the tenants have been sufficiently served with the Notice of Hearing and Application. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The landlords' application is dismissed with leave to reapply.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: April 11, 2014

Residential Tenancy Branch

