



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC

Introduction

A hearing was conducted by conference call in the presence of the applicants and in the absence of the respondent.

The applicant testified they attempted to serve the Application for Dispute Resolution/Notice of Hearing by mailing, by registered mail to the address provided by the landlord. The documents were returned to the applicants with the notation “no such address.” The applicants testified the landlord’s property is a new area and she obtained the postal code from Canada Post and the Surrey City Hall. However, she did not produce a statement from a Canada Post or Surrey City Hall Official confirming the address exists.

I conducted a search at of the Canada Post website using the tracking number and looking for the Postal Code. The search provided that no postal code exists for the address provided by the tenant. The search of the tracking number indicates the documents were sent out to the Canada post delivery facility but it does not indicate a notification card was set out.

In the circumstances I determined the tenants have failed to prove sufficient service. Service by registered mail creates a rebuttable presumption of service. In this case the presumption has been rebutted. The respondent did not appear. Further, it does not appear a notification card was sent out so this is not a situation where the respondent is ignoring service by registered mail. I determined the landlord has failed to prove that he has sufficiently served the tenant in accordance with the Residential Tenancy Act.

Accordingly, **I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

It may be this is a situation where the applicant will have to serve personally rather than by registered mail unless the applicant can prove sufficient service in the mail. The applicants stated they intended to obtain legal assistance.

I note that the claim filed by the tenants is for a monetary order of \$18,000. The tenants failed to provide the Residential Tenancy Branch with evidence to support this claim. Further, the tenants are seeking an order for double the security deposit but that claim is not sufficiently identified in the application and the tenant did not present evidence they gave the landlord their forwarding address in writing. The tenants will now have an opportunity to proper frame their claim and provide evidence in support.

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 05, 2014

Residential Tenancy Branch

