



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants for a monetary order for money owed or compensation for damage or loss under the Act.

### Preliminary matter

The tenants attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenants testified that the Application for Dispute Resolution and Notice of Hearing were sent by registered mail on February 27, 2014, a Canada post tracking number was provided as evidence. The Canada post track history shows the recipient not located at address provided. Item returned to sender.

The tenants testified that the tenancy ended in March of 2012, and that is where the landlord was residing when the tenancy ended. The tenants stated that they have no further information on where the landlord resides.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The tenancy ended in March 2012. The tenants' application for dispute resolution was filed on February 26, 2014. The tenants mailed their application to the respondent on February 26, 2014 and the Canada post tracking history shows the recipient is not located at the address provided. I find the tenants have failed to prove the landlord was served in accordance with section 89 of the Act.

Under normal circumstance when an application for dispute resolution is not served in accordance with section 89 of the Act, the applicant is granted leave to reapply; this does not extend any statutory timelines under the Act.

In this case I find any subsequent application of the tenants would not be successful as section 60 of the Act would apply.

Section 60 of the Act states, if this Act does not stated a time by which an application for dispute resolution must be made within 2 years of the date that the tenancy to which the mater relates end.

As the tenancy ended in March 2012, I find any subsequent application would not be made within 2 years of the tenancy ending.

Therefore, I dismiss the tenants' application without leave to reapply

### Conclusion

The tenants' application is dismissed without 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: June 16, 2014

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Residential Tenancy Branch

