



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction and Preliminary Matter

This hearing dealt with the landlords' application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlords applied for a monetary order for money owed or compensation for damage or loss and alleged damage to the rental unit, and for recovery of the filing fee paid for this application.

The landlords attended; the tenants did not attend the telephone conference call hearing.

At the outset of the hearing, the landlords confirmed that they sent their application and Notice of Hearing to each tenant via registered mail and that the mail was unclaimed.

In further response, the landlord confirmed that tenants did not provide a written forwarding address; however, the address used for service was tenant RM's mother's address, and that they had seen the tenants exit and enter this building and that their vehicles were parked outside the building. The landlords further confirmed that the building was a multi-storey, multi-unit condominium building and that access was restricted. The landlords agreed that it was possible the tenants lived in another unit in the condominium building.

The landlords submitted that prior to another dispute resolution hearing, a bailiff attempted service of those hearing documents by knocking on the mother's door, and as he heard voices in the background, he assumed the tenants lived there, although he did not view the tenants.

Analysis and Conclusion

Section 89(1) of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenants in this case) by leaving the

documents with the person, by sending a copy by registered mail to the address at which the person resides or if a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant.

In the case before me I find that the landlords failed to provide sufficient evidence that the address they used for service of their application and notice of hearing by registered mail was the address at which the tenants reside or to a forwarding address provided by the tenants.

I therefore find the landlords submitted insufficient evidence that they served the tenants their application for dispute resolution and notice of this hearing in a manner required by the *Act* and as a result, I dismiss the landlords' application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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* and is being mailed to both the applicant and the respondents.

Dated: August 14, 2014

Residential Tenancy Branch

