Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u> MNSD, MNR, MND, FF

<u>Introduction and Preliminary Matters</u>

This hearing was convened to deal with the landlords' application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for unpaid rent and alleged damage to the rental unit, for authority to retain the tenants' security deposit, and for recovery of the filing fee.

The landlord JP attended at the hearing; the tenants did not attend.

The landlord testified that she served the tenants with their Application for Dispute Resolution and Notice of Hearing documents (the Hearing Package) by registered mail; however the landlord confirmed that she placed both tenants' Hearing Package in the same envelope. The landlord further confirmed that the registered mail was claimed, but that she did not know the identity of the person claiming the registered mail.

<u>Analysis and Conclusion</u>

Section 89(1) of the *Residential Tenancy Act* and Section 3.1 of the *Dispute Resolution Rules of Procedure (Rules)* determines the method of service for documents. The landlords have applied for a monetary order which requires that the landlords serve **each** respondent as set out under the *Rules.* In this case, there is no proof as to which tenant was sent or claimed the Hearing Package.

I find that this section of the Act, the Rules and principles of natural justice and procedural fairness require that each respondent be served individually with a Hearing Package, and in this case, as the landlords chose registered mail for service of the documents, by separate registered mail envelopes.

As I find that it is impossible to determine which tenant has been served with the Notice of Hearing and Application for Dispute Resolution, I **dismiss** the landlords' Application, **<u>with leave to reapply</u>**.

<u>Conclusion</u>

The landlords' application is dismissed, with leave to reapply.

Dated: June 10, 2014

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Residential Tenancy Branch