



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding David Burr Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, MNSD, FF

### Introduction and Preliminary Matters

This hearing was convened in response to the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlord applied for an order of possession for the rental unit due to unpaid rent, for a monetary order for money owed or compensation for damage or loss and unpaid rent, for authority to retain the tenants' security deposit and for recovery of the filing fee paid for this application.

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

The landlord testified that they 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 their Hearing Package for each tenant was placed in the same envelope. The landlord provided no information of the delivery of the envelope or tracking history.

The landlord confirmed also that the tenancy has now ended as the tenants vacated the rental unit on or about August 21, 2014.

### Analysis and Conclusion

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 landlord has applied for a monetary order which requires that the landlord serve **each** respondent as set out under the Rules. Residential Tenancy Branch Policy Guideline 12.3 as well states that each party must be served separately. In this case, there is no proof as to which tenant was sent or claimed the landlord's Hearing Package.

I find that this section of the Act, the Rules, Residential Tenancy Branch Policy Guideline 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

landlord chose registered mail for service of the documents, by separate registered mail envelopes.

Due to the above, I find that the landlord did not serve each tenant/respondent separately with their Notice of Hearing and Application for Dispute Resolution as required by the Act and the Rules and I dismiss the landlord's Application, with leave to reapply.

### Conclusion

The landlord's application is dismissed, with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

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: September 26, 2014

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Residential Tenancy Branch

