



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the landlord

Section 89(1) of the *Act* stipulates that an application for dispute resolution (such as a monetary claim), when required to be given to one party by another, must be given in one of the following ways:

- (a) By leaving a copy with the person;
- (b) If the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) By sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) If the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) As ordered by the director under section 71 (1).

The landlord testified the tenants were served with the notice of hearing documents and this Application for Dispute Resolution in one package, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by tracked mail on July 17, 2014. However, upon review of the Canada Post website the tracking information shows the package was delivered to a community mailbox and it was not signed for.

Based on the testimony of the landlord, I find I am unable to determine if the tenants have been sufficiently served with the documents pursuant to the *Act*. In addition, as the landlord only served one package for both tenants I cannot tell which tenant may have received the package.

As such, I am not satisfied the landlord has served the tenants in accordance with the requirements of Section 89 of the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to a monetary order for damage to the rental unit; for cleaning of the rental unit; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 37, 38, 67, and 72 of the *Act*.

Conclusion

As I am not satisfied the landlord served the tenants in accordance with the requirements of the Act for this hearing, I dismiss the landlords' Application for Dispute Resolution in its entirety with 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: December 16, 2014

Residential Tenancy Branch

