



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary award and an order to recover the filing fee. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenants did not call in and did not participate in the hearing.

The landlord submitted documentary evidence to show that the tenants were served with the application for dispute resolution and Notice of Hearing by registered mail sent on July 16, 2014. The registered mail was apparently sent to an address across the street from the rental unit, but the landlord did not provide any documentary evidence to establish that the address that the landlord provided for the respondents was a forwarding address that the tenants gave to the landlord when they moved out of the rental unit. There was an earlier dispute resolution proceeding and by a decision dated May 20, 2014 the landlord was granted a monetary order for unpaid rent and an order to retain the tenants' security deposit in partial satisfaction of a claim for unpaid rent.

In the application before me the landlord has claimed a monetary award for cleaning, repairs and replacement of keys not returned at the end of the tenancy.

After the hearing was concluded I went to the Canada Post website to check to see whether there was any indication that the registered mail sent by the landlord was received by the tenants. The Canada Post tracking information with respect to the registered mail showed that the mails was accepted at the post office on July 16, 2014, but there was no indication that it was ever sent for delivery or that it was received by either tenant.

Conclusion

The landlord has not provided proof that the tenants were served by registered mail, either sent to an address where they reside or to a forwarding address in writing given by the tenants to the landlord at the time that the tenancy ended. In the absence of proof that the tenants have been served with the application and Notice of Hearing in accordance with the provisions of the *Residential Tenancy Act*, this application is dismissed with leave to reapply. If the landlord intends to proceed with a further application, it should make inquiries with respect to the tenants' whereabouts before reapplying

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 18, 2014

Residential Tenancy Branch

