



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC, OLC, FF, O

### Introduction

The tenants apply to recover the remainder of a security deposit, the equivalent to one month's rent pursuant to s. 51 of the *Residential Tenancy Act* (the "Act") and travel expenses, all alleged to flow from the landlords' repudiation of a tenancy agreement.

Neither landlord attended the hearing.

The attending tenant testifies that throughout negotiations leading up to the tenancy agreement the landlord's did not provide their address. Though the landlords received a security deposit to close the tenancy agreement no written agreement was prepared before the landlords repudiated the agreement by purportedly selling the property.

The tenants have served the landlords with the originating documents for this dispute by registered mail sent to the rental address. They have produced a BC Assessment Roll Report dated January 26, 2015 that indicates the landlords to be the owners of the property and giving the rental property's address as the owners' address.

The registered mail sent to the landlords at the rental address is shown by the Canada Post tracking facility to have been mailed on February 6, 2015 and to have been "unclaimed by recipient."

Section 89 of the *Act* sets out the service requirements for monetary applications. It provides:

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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) [*director's orders: delivery and service of documents*].

I find that the application has been duly served on the landlords in accordance with s. 89(1)(c) above.

On the undisputed evidence of the attending tenant I grant the claim as presented and award the tenants \$1610.00 plus the \$50.00 filing fee for this application. The tenants will have a monetary order against the landlords jointly and severally in the amount of \$1660.00.

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: March 03, 2015

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Residential Tenancy Branch

