



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MNSD, FF

Introduction

This was a cross-application hearing.

On November 21, 2014 the tenants applied requesting compensation in the sum of \$1,525.00 for the loss of their personal property.

On April 20, 2015 the landlord applied claiming compensation for unpaid rent. The details of the dispute also referenced damage or loss and damage for cleaning and security costs.

The landlord confirmed receipt of the tenant's application in 2014.

The tenants did not attend the hearing in support of their application. The hearing commenced at 1:30 p.m. and ended at 1:42 p.m. Therefore, as the landlord received notice of the tenants' hearing and they failed to attend in support of their application I find that the tenant's application is dismissed without leave to reapply.

The landlord supplied a single Canada Post registered mail receipt sent to both tenants on April 22, 2015. The landlord did not have access to a computer that would allow her to check the details of service and did not know which of the two tenants may have signed accepting the mail.

Section 3.1 of the Residential Tenancy Branch Rules of Procedure provides:

3.1 Documents that must be served

*The applicant must, within 3 days of the hearing package being made available by the Residential Tenancy Branch, serve **each respondent** with copies of all of the following:*

- a) the application for dispute resolution*
- b) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch;*
- c) the dispute resolution proceeding information package provided by the Residential Tenancy Branch;*

- d) a detailed calculation of any monetary claim being made;*
- e) a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and*
- f) any other evidence, including evidence submitted to the Residential Tenancy Branch with the application for dispute resolution, in accordance with Rule 2.5 [Documents that must be submitted with an application for dispute resolution].*

(Emphasis added)

As the landlord did not serve each respondent separately and there was no evidence before me as to which of the two tenants may have received the registered mail sent on April 22, 2015 I was unable to determine which of the two tenants may have been served with Notice of the landlord's hearing.

Therefore, in the absence of evidence proving which of the two tenants may have been served with Notice of the hearing I find that the landlord's application is dismissed with leave to reapply within the legislated time limit. I am unable to assume which tenant or if both tenants were served.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 17, 2015

Residential Tenancy Branch

