



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNDC, F.F.

### Introduction

This hearing dealt with an Application for Dispute Resolution made by the Landlord seeking \$11, 879.53 from the Tenants in compensation for alleged damage to the rental unit and alleged losses arising from the tenancy, and to recover the filing fee for the Application.

Only the Landlord and a person assisting her appeared at the hearing. They gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

### Preliminary Issue

As the Tenants did not appear at the hearing the issue of service was examined.

The Landlord testified that she sent both Tenants the Notice of Hearing, Application and evidence in one envelope by registered mail. She explained she put the two different hearing packages into one envelope and sent only one envelope. In evidence the Landlord provided a copy of the name and signature for the registered mail and this signature was not from either of the Tenants, but apparently from a parent for one of the Tenants.

### Issue(s) to be Decided

Have the Tenants been properly served?

### Analysis

Section 89 of the Act requires each person being named in an application to be served individually. The Landlord served both Tenants with one envelope.

The information factsheet entitled, “The Dispute Resolution Process”, which is given to all applicants explains the Act as follows:

“The RTB gives the applicant copies of the Hearing Package **for each named respondent** and one for the applicant. **The applicant is responsible for serving to each respondent**, within three days of the RTB making it available, a Hearing Package and copies of evidence submitted with the application.”

And

“Within three (3) days, **the applicant must serve the Hearing Package on each of the respondents.**”

[Emphasis added.]

As the Landlord testified she sent the two respondents their hearing packages in the same envelope, there is insufficient evidence that the Landlord served each of the Tenants individually. Therefore, I find the Landlord did not serve the Tenants in accordance with the Act, and I dismiss the Landlord’s application with leave to reapply.

### Conclusion

The Landlord has failed to prove service on the Tenants. The Application is dismissed with leave to reapply.

Lastly, I note that the Landlord was upset and became quite argumentative at the end of the hearing, despite my several attempts to explain the reason her application was being dismissed.

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 Act.

Dated: June 23, 2015

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Residential Tenancy Branch

