



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pemberton Holmes Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNDC, MNSD, SS, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary award and for an order to retain the tenants' security deposit. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenants did not attend.

Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

Background and Evidence

The rental unit is an apartment on Vancouver Island. The tenancy began in February 2014. According to the landlord, on March 14, 2014 the tenants gave notice that they intended to move out of the rental unit on April 31st, but they abandoned the unit before that date and failed to pay rent for April.

The tenants did not provide a forwarding address. The landlord claimed in the supporting documents that the application for dispute resolution and Notice of Hearing was sent by registered to the tenants' workplace in Vancouver. The landlord provided some Canada Post tracking numbers, but no receipts for mailing. According to the Canada Post website the tracking numbers given by the landlord were not valid numbers and no tracking information was available.

The landlord did not make an application for substituted service upon the tenants and there is no evidence to show that the tenants have been served with the application and Notice of Hearing.

Conclusion

In the absence of proof that the tenants have been served with the application and Notice of Hearing, this application is dismissed with leave to reapply.
Leave to reapply does not constitute an extension of any applicable time limit.

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: July 09, 2015

Residential Tenancy Branch

