



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

The landlords apply for a monetary award for unpaid rent and late fees.

This tenancy ended in March 2015.

Neither tenant attended the hearing.

Issue(s) to be Decided

Were the tenants duly served with the application? If so, are the landlords entitled to any of the relief claimed?

Background and Evidence

Mr. M. N. testified that the application, made March 11, 2015, was served on the tenants by a registered mailing to a post office box in the same town. That address was used by the landlords because it was the address given by the tenants when they signed the tenancy agreement in August 2014.

The tenants did not provide a forwarding address before or after they vacated the rental unit.

Analysis

Section 89 of the *Residential Tenancy Act* (the “Act”) 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*].

(emphasis added)

The landlords were unable to provide any Canada Post tracking number for the mailing. The mailing was not sent to an address shown to be where the tenants resided.

For these reasons the landlords have not shown that the tenants or either of them have been duly served with the application and notice of hearing.

Conclusion

The landlords' application is dismissed with leave to re-apply.

This decision was rendered orally 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: August 07, 2015

Residential Tenancy Branch

