



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR MNSD FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order of possession for unpaid rent or utilities, a monetary order for unpaid rent or utilities, for authorization to retain the tenants' security deposit and pet damage deposit, and to recover the cost of the filing fee.

The landlord attended the hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), Application for Dispute Resolution (the "Application"), and documentary evidence were considered. The landlord testified that the Notice of Hearing, Application, and documentary evidence were mailed via registered mail to both tenants at the rental unit address on August 17, 2015. One tracking number was provided in evidence. The landlord testified that the tenants were mailed the Notice of Hearing and Application, and evidence to both tenants in the same registered mail package and did not serve the tenants individually with their own packages. The landlord testified that the tenants abandoned the rental unit as of September 8, 2015, when he went to check on the rental unit.

### Preliminary and Procedural Matter

As the landlord has served both tenants in the same registered mail package, I find that each person has not been individually served, as required by section 89 of the *Act* and section 3.1 of the Rules of Procedure. Furthermore, that registered mail package was returned to sender according to the Canada Post registered mail tracking website, so neither tenant had signed for the registered mail package.

Both parties have the right to a fair hearing. The tenants would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, I **dismiss** the landlord's application **with leave to reapply** as I am not satisfied the tenants have been sufficiently served with the Notice of Hearing, Application or

documentary evidence. I note this decision does not extend any applicable time limits under the *Act*.

### Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

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: September 22, 2015

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Residential Tenancy Branch

