



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This hearing was convened to address a claim by the tenants for a monetary order. The tenants participated in the conference call hearing but the landlord did not. The tenants presented evidence showing that they served the landlord with their application for dispute resolution and the notice of hearing via registered mail sent on June 10, 2015 to the rental unit. The registered letter was returned to the tenants unclaimed by the landlord.

Issue to be Decided

Did the tenants properly serve the landlord with notice of their claim?
If so, are the tenants entitled to a monetary order as claimed?

Background and Evidence

The tenants' undisputed testimony is as follows. The tenancy began on November 1, 2012 at which time the tenants paid a \$1,100.00 security deposit and ended on May 20, 2015. The tenants vacated the rental unit because the landlord intended to place the unit on the market to sell. When the tenants vacated the unit, the landlord had begun the process of renovating the unit.

Analysis

Section 89 of the Act provides that to serve a landlord with an application for a monetary order, tenants must either personally serve the landlord or serve via registered letter sent to their residence or the address at which they carry on business as a landlord. The tenants provided no evidence to show that the landlord began residing in the rental unit after they vacated the unit, nor did they provide evidence to show that she carried on business at the rental unit. I am unable to find that the tenants properly served the

landlord with notice of the claim against her and for that reason, I dismiss the claim with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

Conclusion

The claim is dismissed with leave to reapply.

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: November 12, 2015

Residential Tenancy Branch

