



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPT; OLC

Introduction

This is the Tenants' Application for Dispute Resolution seeking an Order of Possession and an Order that the Landlord comply with the Act, regulation or tenancy agreement.

The Tenants gave affirmed testimony at the Hearing.

The Tenants stated that the dispute address is unit #14, and not unit #17 as indicated on the Tenants' Application for Dispute Resolution. The Tenants' Application was amended to reflect the correct unit number for the rental unit.

The Tenants testified that the Notice of Hearing documents were mailed to the owner of the rental unit, via registered mail, on November 7, 2015. They testified that they had an oral agreement to rent the rental unit with the owner's agents and paid a security deposit of \$250.00 to the agents on October 5, 2015. The Tenants provided a copy of a receipt for the security deposit. The Tenants testified that the rental unit was undergoing renovations and that the possession date was pushed back from October 5, to October 15, to October 21, 2015. On October 21, 2015, the parties had an argument and the owner's agents told them they no longer wished to rent to the Tenants.

The rental unit is an apartment in an apartment building. The Tenants explained that they only knew the first names of the owner's agents, who reside at the rental property. The Tenants stated that they obtained a Land Title Search for the rental unit to determine who the owner is. The Tenants mailed the Notice of Hearing documents to one of the owners at the address provided on the Land Title Search. The Tenants stated that the registered mail was returned to them. The Tenants did not provide a copy of the Land Title Search or the returned mail envelope.

The Tenants testified that they have a friend who lives at the rental property, who has advised them that repairs to the rental unit are not finished and that the rental unit remains vacant.

I ordered that the Tenants provide me with a copy of the Land Title Search for the rental unit and a copy of the returned registered envelope, within 5 days. I explained that

once I had received these documents, I would make a determination if the owner was sufficiently served with the Notice of Hearing documents.

The Tenants provided the documents as ordered. The Land Title Search indicates that the property was registered in 1985 to the owner, with a subsequent application registered in 1990. The given address for the owner is at least 25 years old and the registered mail was returned to the Tenants. Therefore, I find that there is insufficient evidence that the address on the Land Title Search is a current address for the owner.

Therefore, the Tenants' Application is dismissed **with leave to reapply**. The Tenants may wish to serve the owner by personally serving his agents, pursuant to the provisions of Section 89(b) of the Act.

Conclusion

The Tenants' Application 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: December 23, 2015

Residential Tenancy Branch

