



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

**OPR, MNR, MNSD, MNDC, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for unpaid rent, a monetary Order for unpaid rent and damage or loss under the Act, to retain the security deposit and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The landlord filed the application on February 26, 2016.

The landlord provided affirmed testimony that the tenants vacated the rental unit on March 4, 2016. On March 2, 2016 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the two tenants via a single registered mail package, to the address noted on the Application. A Canada Post tracking number and receipt was provided as evidence of service. The mail was returned to the landlord, marked by Canada Post as unclaimed.

Section 90 of the Act determines that mail is deemed served on the fifth day after mailing. As the March 7, 2016 would be the deemed service date I find that service was not completed. The tenants had vacated the rental unit, which was no longer their place of residence. Therefore, the deeming provision for service cannot be applied as the tenants no longer resided at the rental unit.

Therefore, I find that service to each of the tenants has not been completed and that the application is dismissed with leave to reapply.

I note that the landlord named two tenant respondents on the application, but served the hearing documents in a single registered mail package.

### Conclusion

The application is dismissed with leave to reapply within the legislated time limit.

This decision is final and binding on the parties 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: April 18, 2016

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Residential Tenancy Branch