



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR, MNSD, FF

### Introduction

This was an application by the landlord for a monetary award for unpaid rent and an order to retain the security deposit. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenants did not attend. The landlord's representative testified at the hearing that the tenants failed to pay rent or utilities for September and moved out of the rental unit sometime late in September. The landlord did not provide documents to show that the tenants were served with the application and Notice of Hearing. The landlord's representative said at the hearing that documents were sent to the tenants by registered mail addressed to the rental unit, but it was returned undelivered.

### Analysis and conclusion

The landlord's representative was unsure when the tenants moved out of the rental unit, but it appears that they moved before the application was sent to them by registered mail. The tenants did not provide the landlord with a forwarding address and the landlord does not know the whereabouts of the tenants. The *Residential Tenancy Act* requires that the tenants be served at the address where they reside or to a forwarding address they have provided to the landlord. The tenants did not reside at the rental unit when the application was mailed. The landlord has not established that the tenants were served with the application for dispute resolution and Notice of Hearing; the

application is therefore dismissed with leave to reapply. Leave to reapply does not constitute an extension of any applicable time limit. I note that the landlord did not submit documents in support of her claim, such as a copy of the tenancy agreement and records to show what rental payments have been made and what amounts are due for utilities. If the landlord reapplies she should submit additional evidence to support her claim.

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: April 05, 2016

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Residential Tenancy Branch