



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

MNDC

### **Introduction:**

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenants in which the Tenants applied for a monetary Order for money owed or compensation for damage or loss.

### **Issue(s) to be Decided:**

Are the Tenants entitled to a monetary Order?

### **Background and Evidence:**

The male Tenant stated that on April 01, 2016 the Application for Dispute Resolution, the Notice of Hearing, and documents the Tenants submitted with the Application were posted on the door of the Landlords' home/office, which is the service address listed on the Application.

### **Analysis:**

The purpose of serving the Application for Dispute Resolution and the Notice of Hearing to a respondent is to notify the respondent that a dispute resolution proceeding has been initiated and to give the respondent the opportunity to respond to the claim(s) being made. When a landlord or a tenant files an Application for Dispute Resolution in which they are applying for a monetary Order, the applicant(s) has the burden of proving that the respondent(s) was served with the Application for Dispute Resolution in compliance with section 89(1) of the *Residential Tenancy Act (Act)*.

Section 89(1) of the *Act* stipulates, in part, that an Application for Dispute Resolution must be served in one of the following ways:

- (a) by leaving a copy with the person;
- (c) by sending a copy by registered mail to the address at which the person resides;
- (d) by sending a copy by registered mail to a forwarding address provided by the tenant;

or

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

The Tenants submitted no evidence to show that the Landlords were personally served with the Application for Dispute Resolution and I therefore cannot conclude that they were served in accordance with section 89(1)(a) of the *Act*.

The Tenants submitted no evidence that the Application for Dispute Resolution was mailed to the Landlords and I cannot, therefore, conclude that they were served in accordance with section 89(1)(c) or 89(1)(d) of the *Act*.

There is no evidence that the director authorized the Tenants to serve the Application for Dispute Resolution to Landlords in an alternate manner, and I therefore cannot conclude that the Application was served in accordance with section 89(1)(e) of the *Act*.

The Tenants submitted no evidence to cause me to conclude that the Landlords received the Application for Dispute Resolution and I therefore cannot conclude that the Application has been sufficiently served pursuant to sections 71(2)(b) or 71(2)(c) of the *Act*.

As the Tenants have failed to establish that the Application for Dispute Resolution was served to the Landlords in accordance with section 89(1) of the *Act*, I am unable to proceed with the hearing in the absence of the Landlords.

The Tenants' Application for Dispute Resolution is dismissed, with leave to reapply.

Conclusion:

The Application for Dispute Resolution is dismissed, with leave to reapply. The Tenants retain the right to file another Application for Dispute Resolution regarding the issues in dispute at these proceedings.

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: October 27, 2016

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Residential Tenancy Branch