



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNSD OLC FF O

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, submitted to the Residential Tenancy Branch on June 1, 2016 (the "Application"). The Tenants applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a notice to end tenancy for cause;
- an order that the Landlord to return all or part of the security deposit or pet damage deposit;
- an order that the Landlord comply with the Act, Regulations or a tenancy agreement;
- an order granting the Tenant recovery of the filing fee; and
- other unspecified relief.

The Tenants were represented at the hearing by N.J., who provided a solemn affirmation. The Landlord did not attend the hearing.

During the hearing, the Tenant N.J. testified he served the Tenants' Application package and documentary evidence on the Landlord by ExpressPost on June 2, 2016. A Canada Post customer receipt was submitted with his documentary evidence. He stated that tracking information confirmed the documents were refused by the Landlord at the address for service. The documents were returned to him on June 6, 2016. Pursuant to sections 89 and 90 of the *Act*, documents served in this manner are deemed to be received five days later. I find the Landlord is deemed to have received the Tenants' Application package and documentary evidence on June 7, 2016.

During the hearing, the Tenant N.J. stated the Tenants are no longer living in the rental unit. Therefore, an order cancelling a notice to end tenancy for cause is not required.

In addition, the Tenant N.J. testified that his forwarding address was left on a counter in the rental unit when the Tenants moved out, the day after the move-out condition inspection.

Upon consideration of the oral testimony and documentary evidence submitted by the Tenant N.J., I am not satisfied the Landlord received the Tenants' forwarding address in writing, as required by section 38 of the *Act*. Accordingly, I dismiss the Tenants' application with leave to reapply. This Decision does not extend any statutory deadline.

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: November 28, 2016

Residential Tenancy Branch