



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with a landlord's application for a Monetary Order for damage to the rental unit; unpaid rent or utilities; damage or loss under the Act, regulations or tenancy agreement; and, a request to retain the security deposit. The tenants did not appear at the hearing.

The landlord testified that he sent hearing packages to the tenants in a registered mail envelope at an address he found on the internet for one of the respondent's cleaning business but that the registered mail was returned by Canada Post indicating there was "no such address". I also determined that this mailing was done prior to the filing date for the Application before me. The landlord explained that he had filed a previous Application for Dispute Resolution. As this mailing did not pertain to the Application before me, I did not consider it further.

The landlord testified that he sent the hearing packages for this proceeding to an address where the tenant's boyfriend resided after confirming with the building manager that the tenant's boyfriend was a resident at that address. The landlord testified that both hearing packages were put in a single registered mail envelope and the registered mail was not returned to him. The landlord was also of the position that since the tenant's boyfriend resided in the rental unit with the tenant that the tenant must have moved in with her boyfriend. I asked the landlord to provide me with the registered mail tracking number. Despite giving the landlord more than 15 minutes to search for the receipt he could not locate it.

Where a respondent does not appear at the hearing, the applicant bears the burden to prove each of the respondents was served in a manner that complies with section 89 of the Act.

Section 89(1) of the Act provides for ways in which an Application for a monetary order must be served upon each respondent. Acceptable methods of service are personal delivery to the tenant or by registered mail. If a landlord uses registered mail the address used to send the mail must be the tenant's address of residence at the time of mailing or the forwarding address of the tenant. Further, the applicant is to send each respondent a hearing package and it is not sufficient to send multiple hearing packages in one envelope.

In this case, the landlord was unable to provide the registered mail receipt or tracking number as proof of service; the landlord only sent one envelope to two named tenants; and, the address used for service was that of the tenant's boyfriend but not necessarily the tenant's residence. Therefore, I declined to proceed to hear this case and I **dismissed the application with leave to reapply.**

The landlord submitted that the tenant's boyfriend was a signatory to the addendum to the tenancy agreement; however, I noted that the landlord had not named the tenant's boyfriend as a party to this proceeding and I did not give further consideration as to whether the tenant's boyfriend was bound by the tenancy agreement.

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: January 17, 2017

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Residential Tenancy Branch