



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDL, FFL

### Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for monetary compensation for damages and for the recovery of the filing fee paid for the Application for Dispute Resolution.

The Landlord was present for the teleconference hearing while no one called in for the Tenants during the approximately 39-minute hearing duration. The Landlord was affirmed to be truthful in her testimony and stated that she sent the Notice of Dispute Resolution Proceeding package and a copy of her evidence to both Tenants by registered mail.

### Preliminary Matter – Service

The Landlord stated that the Tenants did not provide her with a forwarding address. She sent the registered mail to an address she found online that is associated with a phone number that she had for the Tenants. The Landlord submitted a copy of what appears to be online business pages that include an address, but no names. The Landlord also submitted the registered mail tracking information for the packages sent which show that both packages were unclaimed and returned to the Landlord.

Rule 3.5 of the *Residential Tenancy Branch Rules of Procedure* states the following:

*At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute*

*Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure.*

I also refer to Section 89(1)(c) of the *Act* that states that an Application for Dispute Resolution may be sent by registered mail to an address where the person resides.

The Landlord stated that the phone number connected with the address she found online is the phone number used by one of the Tenants during the tenancy. However, there was insufficient evidence submitted that connects the address with the Tenants, confirms that that phone number is a current number for the Tenants or that they reside at this address. As such, I am not satisfied that the Tenants were duly served with the Notice of Dispute Resolution Proceeding documents and aware of the dispute against them.

Therefore, I dismiss the Landlord's Application for Dispute Resolution with leave to reapply.

#### Conclusion

The Landlord's application is dismissed with leave to reapply due to a service issue. This does not extend any applicable time limits under the *Act*.

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: December 05, 2018

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Residential Tenancy Branch