



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MND, MNDC, MNSD, FF

### Introduction

On May 8, 2019, the Landlords submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking money owed or compensation for damage or loss; a monetary order for unpaid rent; a monetary order for damage or repairs; and to keep the security deposit.

The matter was set for a conference call hearing. The Landlords attended the teleconference hearing; however the Tenants did not.

The Landlord, Mr. C.J. testified that the Tenants were served with the Notice of Dispute Resolution Proceeding using Canada Post Registered Mail. The Landlord testified that the registered mail was not picked up. When the Landlord was asked whether he sent the registered mail to the address provided to him by the Tenants at the end of the tenancy, the Landlord replied no. The Landlord testified that he has a photocopy of the Tenant’s driver’s licence which contains the Tenants’ address. The Landlord testified that the Tenants own the home where the registered mail was sent. The Landlord testified that the Tenants rented out their home and moved into the Landlords rental unit to provide them with more space. When asked how he could be sure that the Tenants moved back into their own home and received the mail notification; Mr. C.J. replied that he cannot be sure that the Tenants moved back into their home.

A fundamental rule of natural justice is that a party to a proceeding has the right to receive notice and disclosure of a proceeding against them. The Applicant/ Landlord must satisfy the Arbitrator that the respondent was served in accordance with the Act. While the Act allows for service using registered mail, I find that it is not reasonable to conclude that the Respondent/ Tenants received the Notice of Dispute Resolution Proceeding with respect to the monetary claim against them.

For this reason, it would be unfair to proceed with the hearing. The Landlords' application is dismissed in its entirety 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: August 12, 2019

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Residential Tenancy Branch