



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, MNDCL-S, FFL

Introduction

The landlord applies for a monetary award for unpaid rent and loss of rental income alleging the tenants vacated the rental unit without giving lawful notice to do so.

Neither respondent tenant attended for the hearing within 25 minutes after its scheduled start time at 1:30 p.m. on November 19, 2020. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlord and this arbitrator were the only ones who had called into this teleconference during that period.

The landlord testifies that the tenants were served by registered mail and produces Canada Post receipts showing the two tracking numbers (shown on cover page of this decision). She indicates that neither tenant would provide her with a forwarding address when they left July 30, 2020 and she does not know where they, a couple, now live.

The mail sent to the tenant SS shows that it was mailed August 7 and delivered August 10, then an address was corrected at the post office and it was delivered again September 29. It was sent to an office where he works.

The mail sent to the tenant XH shows that it was mailed August 7 and delivered August 10. It was sent to the address of the rental unit. Neither tenant resided there after July.

It is my understanding that during the current Covid-19 pandemic the post office is not obtaining the signature of addressees with its registered mail service. None appear any

more on the Canada Post website and so it is not possible to tell whether either tenant actually received the mail.

The *Residential Tenancy Act*, s. 89, permits a landlord to serve an application for dispute resolution on a tenant by leaving a copy with the tenant or by mailing a copy by registered mail to an address at which the tenant resides or by mailing a copy to a forwarding address provided by the tenant.

I find that the landlord has not shown that she has served either tenant in accordance with the law and that I am unable to proceed with the landlord's application.

The landlord was also informed of her ability to obtain an order for substitutional service on either or both of her former tenants.

The landlord's application is dismissed with leave to re-apply

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 19, 2020

Residential Tenancy Branch