



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNDC, MNSD, FFL

Introduction

On July 14, 2020, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for money owed or compensation for damage or loss; for a monetary order for unpaid rent and damage; to keep the security deposit; and to recover the cost of the filing fee.

The matter was set for a conference call hearing at 1:30 p.m. on this date. The Landlord attended the teleconference hearing; however, the Tenants did not.

The Landlord testified that the Tenants were served with the Notice of Dispute Resolution Proceeding using registered mail sent on July 16, 2020. The Landlord testified that the Tenants did not provide with a forwarding address at the end of the tenancy, so he served each Tenant at the addresses provided on their drivers licence. The Landlord testified that the registered mail sent to one Tenant was returned to him as undelivered.

The Landlord was asked how he was sure that the Tenants returned to those addresses after they vacated the rental unit. The Landlord stated that it is only his assumption.

Analysis

A fundamental principle of administrative law is that a person who is subject to a proceeding and a decision against them be served with notice and have an opportunity to attend and respond.

While section 89 of the Act permits service by registered mail, I find that it is not reasonable to conclude that the Tenants are deemed to have received the notices of

hearing sent to the addresses where they previously lived prior to entering into this tenancy.

The hearing did not proceed, and the Landlord's application is dismissed in its entirety with leave to reapply.

The Landlord's request to recover the \$100.00 filing fee against the Tenants is denied.

Conclusion

The Landlord did not receive a forwarding address from the Tenants after the tenancy ended.

I find that it is not reasonable to conclude that the Tenants are deemed to have received the notices of hearing sent to the addresses where they previously lived prior to entering into this tenancy.

The Landlord's 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: November 05, 2020

Residential Tenancy Branch