



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, FFL

### Introduction

On November 5, 2020, the Landlords submitted an Application for Dispute Resolution under the *Residential Tenancy Act* seeking a monetary order for unpaid rent and damage and to recover the cost of the filing fee. On November 12, 2020 the Landlord amended the application to include additional monetary claims.

This matter was set for hearing by telephone conference call at 1:30 pm on this date. The Landlords attended the hearing; however, the Tenants did not. The line remained open while the phone system was monitored for fifteen minutes and the Tenants did not call into the hearing during this time.

The Landlord testified that the Tenants would not provide them with a forwarding address when they moved out. The Landlord testified that his nephew saw the Tenants at local address and provided the address to the Landlords. The Landlords sent the Notice of Dispute Resolution Proceeding using registered mail to the address provided by his nephew. The registered mail indicates it was not delivered.

A fundamental principle of administrative law is that a party to a proceeding has the right to receive notice of a proceeding and know the case against them. A party has the right to participate and respond.

I find that it is not reasonable to find that the Tenants are deemed to have received the Notice of Dispute Resolution Proceeding. The Landlords have provided insufficient evidence to convince me that the Tenants are living at the address where the registered mail was sent. The hearing did not proceed.

The Landlords application for a monetary order for unpaid rent and damage to the rental unit is dismissed with leave to reapply.

Conclusion

The Landlords provided insufficient evidence that the Tenants were served with notification of this hearing in accordance with sections 89 and 90 of the Act.

The Landlords application for a monetary order for unpaid rent and damage to the rental unit is dismissed 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: December 08, 2020

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Residential Tenancy Branch