



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCT

### Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for a monetary order in an amount equivalent to twelve times the monthly rent payable under the tenancy agreement under section 51(2).

I left the teleconference connection open until 1:42 AM. to enable the landlords to call into this teleconference hearing scheduled for 9:30 A.M. The tenant attended and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant and I were the only ones who had called into this teleconference.

The tenant stated the tenancy started in June 2009, on June 08, 2018 a new tenancy agreement was signed, on August 16, 2019 she received a two month notice to end tenancy for landlord's use and on October 31, 2019 she moved out.

The tenant filed a previous application against the landlord (the file number is mentioned on the cover page of this decision) and sent the Notice of Hearing to the landlords' address indicated in the June 08, 2018 tenancy agreement. The tenant received a response evidence package from the landlord and noted the landlord used a different return address. The tenant decided to use this return address for serving her current application.

Unlike her first application, the tenant did not receive any response from the landlord.

Section 89 of the Act states:

(1)An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

(a)by leaving a copy with the person;

(b)if the person is a landlord, by leaving a copy with an agent of the landlord;

(c)by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

(d)if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e)as ordered by the director under section 71 (1) [director's orders: delivery and service of documents].

Residential Tenancy Branch Policy Guideline 12 states:

The respondent's address may be found on the tenancy agreement, in a notice of forwarding address, in any change of address document or in an application for dispute resolution.

The tenant did not prove the landlord's return address on the prior application's responsive evidence is an address where the landlord resides or carries on business. The tenant did not serve the application to the landlord's address indicated in the tenancy agreement, in a change of address document or in an application for dispute resolution.

As I cannot confirm the landlord has been properly notified of the tenant's application, I cannot conduct the hearing.

### Conclusion

As such, I dismiss the tenant's application 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: February 08, 2021

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Residential Tenancy Branch