



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDL-S, MNRL, MNDCL, FFL

### 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 landlord applied for:

- a monetary order for unpaid rent, pursuant to sections 26 and 67;
- a monetary order for loss under the Act, the regulation or tenancy agreement, pursuant to section 67;
- an authorization to retain the tenants' security deposit in satisfaction of the monetary order requested, pursuant to section 72; and
- an authorization to recover the filing fee for this application, under section 72.

I left the teleconference connection open until 1:48 P.M. to enable the tenants (respondents) to call into this teleconference hearing scheduled for 1:30 P.M. The tenants did not attend the hearing. 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 landlord (applicant) and I were the only ones who had called into this teleconference. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord stated he served the application on December 12, 2020 by registered mail sent to the addresses mentioned on the cover page of this decision. The landlord affirmed the tenants were removed from the rental unit by a bailiff on November 26, 2020 and did not provide their forwarding addresses. The landlord said the tenants verbally told him, during the tenancy, that they work at the addresses mentioned on the cover page of this decision.

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 how the applicant may find the respondent's address for service:

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.

As I cannot confirm the tenants' addresses are the ones used by the landlord to serve the application, I cannot conduct the hearing. The tenants were not served in accordance with the Act.

### Conclusion

I dismiss the landlord's application for a monetary order and for an authorization to retain the security deposit with leave to reapply.

I dismiss the landlord's application for an authorization to recover the filing fee for this application without 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: March 26, 2021

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Residential Tenancy Branch