



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, MNDL-S, MNDCL-S, MNRL-S

Introduction

The landlords seek compensation against their former tenants, pursuant to sections 26, 67, and 72 of the *Residential Tenancy Act* ("Act").

Only the landlords attended the hearing, which began at 1:42 PM. The tenants did not attend the hearing, which ended at 1:52 PM.

Preliminary Issue: Service of Notice of Dispute Resolution Proceeding

The landlords attempted to serve their Notice of Dispute Resolution Proceeding package on the tenants by Canada Post registered mail. This mail was returned and not claimed. Subsequently, the landlords sought a substituted service order. An adjudicator issued a decision in respect of this substituted service on June 30, 2021; the landlords' request for this order was dismissed.

At the hearing, the landlords testified that they have not been successful in contacting or otherwise serving the Notice of Dispute Resolution Proceeding on either tenant. Given that an arbitrator must be satisfied that a Notice of Dispute Resolution Proceeding is served on all respondents (see Rule 3.5 of the [*Rules of Procedure*](#)), and as there was insufficient evidence for me to find that the tenants were served, I was unable to proceed with the hearing. This was explained to the landlords, and they were advised that their application would be dismissed with leave to reapply.

Further discussion was then had regarding various methods of service and in locating the respondents. A skip tracing service is, as explained, one option when a party seeks to determine the location of another person. And a process server is an option when one party wants to serve another individual with a legal document. Last, service by text message was briefly discussed.

Conclusion

The application is dismissed with leave to reapply.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: November 18, 2021

Residential Tenancy Branch