



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- compensation for a monetary loss or other money owed; and
- recovery of the filing fee.

The tenant attended the hearing; however, the landlords did not attend.

The tenant stated she served the landlords with her application for dispute resolution and Notice of Hearing by registered mail on September 11, 2021. The tenant provided the Canada Post Customer Receipt containing the Tracking Numbers to confirm this mailing.

In response to my inquiry, the tenant said the address used for service of the registered mail was the rental unit address. This address was different than the landlords' address listed on the written tenancy agreement. The tenant explained that she performed a land title search, which showed the landlords as owner of the property at that address.

A search of the Canada Post tracking system showed the registered mail was not collected, that it was returned to the sender, who also did not collect it, and that the mail ultimately was sent to a central collection point in Ontario.

In response to my inquiry about the tenant's monetary claim, the tenant confirmed she was not able to show a loss equal to the amount claimed in her application.

Analysis and Conclusion

Section 59(3) states that an applicant for dispute resolution must give a copy of the application to the other party within 3 days.

Section 89(1) of the Act requires that the tenant's application for dispute resolution, which includes the notice of hearing, must be given by leaving a copy with that person, by leaving a copy with an agent of the landlord, by sending a copy by registered mail to the address at which the landlord resides, or where the landlord carries on business, as ordered by the director, or by other means of service provided for in the regulations.

Here, I find the tenant submitted insufficient evidence to show that the landlords resided at the former rental unit address. I find it reasonable that the landlords' names would appear as registered owners for the rental unit address, but I do not find this is sufficient proof of residence. Also, the address used was not listed on the written tenancy agreement as an address for the landlords.

In addition, the tenant was advised that her application was being refused, pursuant to section 59(5)(c) of the Act because the application did not provide sufficient particulars of their claim for compensation, as is required by section 59(2)(b) of the Act.

Also, Rule 2.5 of the Residential Tenancy Branch Rules of Procedure (Rules) states that the applicant must submit a detailed calculation of any monetary claim being made and copies of all other documentary and digital evidence to be relied on in the proceeding. Applicants are provided with instructions in the application package as to these evidence requirements.

Specifically, the tenant failed to provide a breakdown of the amount of her actual loss.

As a result of the insufficient evidence to prove service of the tenant's application and the insufficient particulars of the tenant's monetary claim as addressed above, I therefore **dismiss** the tenant's application, **with leave to reapply**.

As I have not considered the merits of the tenant's application, I **dismiss** their request to recover the cost of the filing fee, without leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: March 9, 2022

Residential Tenancy Branch