



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, FFL

Introduction

The Landlords seek the following relief under the *Residential Tenancy Act* (the “Act”):

- a monetary order pursuant to s. 67 for unpaid rent; and
- return of their filing fee pursuant to s. 72.

J.H. appeared as the Landlord. The Tenants did not appear, nor did someone appear on their behalf.

The Landlord affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

At the outset of the hearing, I enquired whether the Landlords’ application materials were served on the Tenants. The Landlord testified that the Tenants did not provide a forwarding address at the end of the tenancy and that they obtained the Tenants forwarding address some weeks later after conducting searches online and finding their address. I am told the application materials were sent to the address found online. I further enquired whether the Landlords had any other means of contacting the Tenants and was told that there was none and that the Tenants appear to have blocked the Landlords phone numbers.

Section 89(1) of the *Act* requires application materials for dispute resolution hearings to be sent to an address in which the person resides or, in the case of a tenant, to their forwarding address. In this instance, no forwarding address was provided. Further, I am not satisfied that the Landlord was able to confirm the Tenants ordinarily reside at the

address the Landlords' found online, nor was I provided with registered mail tracking information to support that the Tenants had signed for the packages.

I am unable to make a finding that the Landlords' application materials were served in accordance with the *Act*. I find that due to the failure to demonstrate service, the Landlords' claim for monetary compensation ought to be dismissed with leave to reapply. Their claim for the return of their filing fee is dismissed without leave to reapply as they shall bear the cost of their abortive application.

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 01, 2022

Residential Tenancy Branch