



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, OLC, FFT

Introduction

This hearing was set to deal with a tenant's application to dispute a rent increase and seek orders for compliance against the landlords.

Both parties appeared for the hearing.

At the outset of the hearing, I explored service of hearing materials upon each other.

The tenant testified that he sent his proceeding documents and evidence to each of the landlords, via registered mail, on September 18, 2022. The landlords denied receiving the registered mail. Rather, the landlords explained that they were unaware of this proceeding until last week when they received a "reminder" email from the Residential Tenancy Branch. Upon receiving the email, the landlords contacted the Residential Tenancy Branch and a courtesy copy of the tenant's application was emailed to them. The landlord's testimony was consistent with notes recorded by an Information Officer with the Residential Tenancy Branch.

I asked the tenant to provide me with the registered mail tracking numbers; however, he did not have the receipts before him.

I asked the tenant to describe the mailing address he used to send the registered mail to the landlords. The tenant orally provided the address to which the landlords responded that was their former service address and that the most recent tenancy agreement has their current service address. The landlords read aloud their current service address and the tenant acknowledged that he may have erred and used the old address to send the registered mail.

Although the landlords received a courtesy copy of the tenant's application last week, the landlords were not in receipt of the evidence the tenant submitted for this proceeding. Further, the landlords did not have sufficient item to send the tenant their evidence so it has not been served.

An applicant bears the burden to prove they served the respondent(s) in a manner that complies with section 89 of the Act. Registered mail is an permissible method of service; however, a tenant must ensure that the address used to send registered mail to their landlord is the landlord's service address or address of doing business as a landlord. In this case, I heard unopposed evidence before me that the landlords had provided the tenant with their current service address, on the most recent tenancy agreement, but the tenant erred and did not use that address to send the registered. As such, I find the tenant failed to sufficiently serve the landlords.

In consideration of the above, 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: January 20, 2023

Residential Tenancy Branch