



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      MNDC, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants for a Monetary Order for reimbursement of the security deposit and for loss under the Act, regulation or tenancy agreement, and to recover the cost of the filing fee from the Landlord for this application.

### Issue(s) to be Decided

Are the Tenants entitled to a Monetary Order under sections 67 and 72 of the *Residential Tenancy Act*?

### Background and Evidence

Tenant NL testified service of the Notice of Dispute Resolution hearing package was sent to the Landlord at their business address. However the mail was unclaimed and the evidence submitted by the Tenants indicate that a street address was not listed.

### Analysis

The evidence supports the Notice of Dispute Resolution hearing package was not served to the Landlord to an address at which the Landlord carries on business as a landlord.

I find that service of the Notices of Dispute Resolution was not effected in accordance with Section 89 (1) (c) of the *Residential Tenancy Act* which states that service of Notice of Dispute Resolution, if sent via registered mail, must be sent to the address at which the landlord carries on business as a landlord.

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As I have found the service of documents not to

have been effected in accordance with the *Act*, I **dismiss** the Tenants' claim, **with leave to reapply**.

As the Tenants have not been successful with their application, I find that they are not entitled to recover the cost of the filing fee from the Landlord.

Conclusion

**I HEREBY DISMISS** the Tenants' claim, 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: December 16, 2010.

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Dispute Resolution Officer