



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      MNSD MND FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for damage to the unit, to keep the security deposit, and to recover the cost of the filing fee from the Tenants for this application.

### Preliminary Issues

The Landlord testified that he believed the Tenants were served with the Notice of Dispute Resolution via registered mail. The Landlord was not able to provide testimony as to the exact date the registered mail package(s) were sent and was not able to provide the tracking number(s) of the registered mail package(s).

### Analysis

The Landlord provided insufficient evidence to prove that each Tenant was sufficiently served notice of his application for dispute resolution and of today's teleconference hearing. Based on the aforementioned, and in the absence of the Tenants, I cannot find that service of the Notice of Dispute Resolution was effected in accordance with the *Residential Tenancy Act*.

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 Landlord's claim, with leave to reapply.

As the Landlord has not been successful with his application, I find that he is not entitled to recover the cost of the filing fee from the Tenants.

Conclusion

**I HEREBY DISMISS** the Landlord's 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: January 17, 2011.

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Residential Tenancy Branch