



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for unpaid rent, to seek the security and or pet deposit, and to recover the cost of the filing fee from the Tenants for this application.

Issue(s) to be Decided

1. Have the Tenants breached the *Residential Tenancy Act*, regulation or tenancy agreement?
2. If so, has the Landlord met the burden of proof to obtain a Monetary Order as a result of that breach?

Background and Evidence

The Landlord testified that she believes the hearing documents were served to each Tenant via registered mail; however the Landlord was not able to provide the tracking number to each registered mail package and was not able to provide testimony as to the exact date the packages were mailed.

Analysis

The testimony supports the Notice of Dispute Resolution packages were possibly sent via registered mail to each Tenant, however the Landlord was not able to provide testimony of the tracking numbers or date these were sent.

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. In the absence of the Tenants and evidence to support they were served via registered mail I find there insufficient evidence to prove

the documents were served in accordance with the Act. Therefore 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: March 15, 2011.

Residential Tenancy Branch