



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

### Introduction

This hearing was scheduled for 1:30 p.m. on this date to hear the landlord's application for a Monetary Order for damage to the rental unit; unpaid rent; damage or loss under the Act, regulations or tenancy agreement; and, authority to retain the security deposit. The tenants did not appear at the hearing.

The landlord testified that sent the hearing documents to the tenants via registered mail addressed to a PO Box number and provided two registered mail tracking numbers as proof of service upon the tenants.

The landlord testified that the male tenant gave the landlord the PO Box number to him at the beginning of the tenancy, in June 2010, and the tenant may have written the address down on the back of the tenancy agreement. I informed the landlord that I was provided photographs and a copy of a 10 Day Notice for this proceeding but that a tenancy agreement was not provided as evidence. The landlord was adamant that the tenancy agreement was given to the Residential Tenancy Branch along with the photographs.

The landlord testified that the tenants were boyfriend and girlfriend but that they had separated during the tenancy; however, the landlord was given a print-out by Canada Post showing the both of the registered mail packages were re-directed to a new address in Duncan. The landlord submitted that the registered mail was unclaimed by the tenants at their new address. The landlord did not provide a copy of the Canada Post print-out as evidence for this proceeding.

Section 89(1) of the Act provides for ways a landlord may serve a tenant with an Application for Dispute Resolution involving a monetary claim. If a landlord chooses to serve a tenant by registered mail, section 89(1) requires that a landlord send the registered mail to either: an address at which the tenant resides; or, the forwarding address provided by the tenant.

As provided in Residential Tenancy Guideline 12, where a respondent does not appear at the hearing it is upon the applicant to prove service. Proof of service by registered mail should include the original receipt given by the post office and should include the date of service, the address of service, and that the address of service was the person's residence or the forwarding address at the time of service. Further, the applicant must be able to prove that each respondent was sufficiently served.

Based upon the evidence before me, I found the landlord provided insufficient proof of service of the hearing documents upon the tenants in a manner that complies with the Act. Accordingly, I dismissed the landlord's application with leave to reapply.

### Conclusion

The landlord's application was dismissed 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: July 05, 2011.

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Residential Tenancy Branch