



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, FF

DECISION AND REASONS

This hearing dealt with the landlord's Application for Dispute Resolution, seeking to retain all or part of the tenants' security deposit, for a monetary order for money owed or compensation for damage or loss and to recover the filing fee.

The landlord's agent appeared and gave affirmed testimony.

The landlord testified that the tenants were served the Application and Notice of the Hearing Package via registered mail on or about May 16, 2011. The landlord submitted evidence that the mail was returned due to having an incomplete address.

Upon query, the landlord stated that the tenants had provided a written forwarding address, but did not submit that evidence. However the evidence submitted by the landlord, the condition inspection report, indicated that the tenant "refused to give forwarding address."

The Residential Tenancy Act (the "Act") and principles of natural justice require that the tenants/respondents be informed of the nature of the claim and the monetary amount sought against them. This is one of the many purposes of the Application for Dispute Resolution and the Notice of Hearing. Without being served in a manner conforming to the Act and the Residential Tenancy Branch Rules of Procedure, the tenants/respondents would easily have any Decision or Order made against them overturned upon Review.

Therefore, on a balance of probabilities and insufficient, contradictory evidence by the landlord, I find the tenants have not been served with the Notice of Hearing and Application for Dispute Resolution. I **dismiss** the landlords' 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: September 12, 2011.

Residential Tenancy Branch