



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Win Canada Investment Co. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNDC, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary award. The hearing was conducted by conference call. The named landlord called in and participated in the hearing. The tenants did not attend the hearing. The landlord submitted records to show that documents were sent to each tenant to an address in Chilliwack. The landlord said at the hearing that the Chilliwack address was the address of an agent who represented the tenants at a previous Residential Tenancy Branch hearing. The registered mail sent to the Chilliwack address was unclaimed and it was returned to the sender.

Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

Background and Evidence

The rental unit is a strata title apartment in Vancouver. The tenancy ended in December 2015. The landlord testified at the hearing that the application and Notice of Hearing were sent by registered mail to the address of an agent who acted on behalf of the tenants in a previous hearing. There is no evidence before me to establish that the tenant's reside at the address where the documents were mailed. The tenants did not say that the address was intended to be their forwarding address.

The landlord testified at the hearing that the rental unit was sold in April. In her evidence submitted August 12, 2016 she provided an undated contractor's estimate for repairs and cleaning to the rental unit in the amount of \$2,600.00. The landlord said that the work was not performed and the estimated amount was not paid, but she said the amount of the estimate was deducted from the purchase price of the rental unit.

The landlord did not provide any documentary evidence with respect to the purchase and sale of the rental unit.

Analysis

Section 89 of the *Residential Tenancy Act* provides that an application for dispute resolution must be given to a person by leaving a copy with the person, or by sending a copy by registered mail to the address at which the person resides or to a forwarding address provided by the tenant.

The landlord has not provided evidence to establish that either of the named tenants was served in accordance with section 89 of the *Residential Tenancy Act*. The landlord's application is therefore dismissed with leave to reapply.

Conclusion

The landlord's application is 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: August 26, 2016

Residential Tenancy Branch

