



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NSAA Investments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNR, MNSD, 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 landlord's representative, N.K. called in and participated in the hearing. At the request of the landlord's representative his brother, V.K. who is the landlord's property manager was called and joined the hearing as a participant for the landlord. The tenants did not attend. The landlord sent documents to the tenant by registered mail, but they were undelivered and returned to the landlord.

Issue(s) to be Decided

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

Background and Evidence

In the landlord's application filed on February 17, 2016, the landlord claimed payment of the sum of \$4,420.00. The only evidence provided in support of the application was four pages of black and white photographs said to show damage to the rental unit. Although the landlord was claiming amounts for cleaning, painting and repairs, no invoices or receipts were submitted. The landlord did not submit a copy of a tenancy agreement and did not provide any documents to establish the place of residence of the tenants.

The landlord's representative referred to a previous dispute resolution proceeding. In a decision dated December 15, 2014 the landlord was granted an order of possession pursuant to a one month Notice to End Tenancy for cause.

In 2015 the landlord applied to claim a monetary order from the tenants for the same items sought in this application. No one attended the hearing and the landlord's application was dismissed with leave to reapply.

The landlord submitted Canada Post records to show that the application and Notice of Hearing were sent to the tenants on February 18, 2016. Canada Post records with respect to the registered mail stated that the addresses for the tenants were incorrect or incomplete and the registered mail was returned to the sender. At the hearing before me, Mr. V.K. testified that the landlord had been unable to locate the whereabouts of the tenants and the landlord does not have a current address for them.

Analysis

The landlord has not provided evidence to establish that the tenants were served with the application and notice of hearing. The landlord sent the documents to an address by registered mail, but the landlord has not provided any documentary evidence to show that the address used was the address where the tenants resided at the time the documents were mailed. The Canada Post records suggest that the mailing address to which the documents were sent was an incomplete or invalid address. The landlord also failed to provide the necessary documentary evidence to establish on a balance of probabilities that the landlord is entitled to a monetary award in any amount.

In the absence of proof that the tenants have been served with the application and Notice of Hearing, the landlord's application is dismissed with leave to reapply. Leave to reapply does not constitute an extension of any applicable time limit.

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: September 30, 2016

Residential Tenancy Branch