



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDCL-S MNDL-S MNRL-S

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary award pursuant to section 67 of the *Act*;
- an order to retain the tenants security deposit pursuant to section 38 of the *Act*, and
- a return of the filing fee pursuant to section 72 of the *Act*.

Only the landlord, K.J. (the "landlord") attended the way by way of conference call which lasted approximately fifteen minutes.

The landlord explained he sent individual copies of the application of dispute and evidentiary package to the tenants on two occasions. The landlord said the first copy was sent by Canada Post Registered Mail on July 25, 2018, while the second package was sent by Canada Post Registered Mail on November 2, 2018. The landlord said the online records associated with these documents indicated that they were collected from the post office.

The landlord stated he did not have a forwarding address for the tenants and that the tenants had failed to respond to any correspondence sent to them by the landlords. The landlord explained he sent all documentation associated with the applications for dispute and evidentiary packages to the workplace of tenant J.J. The landlord said he spoke with M.T. the head of human resources for tenant J.J.'s employer, and M.T. confirmed that tenant J.J. was an employee with the organization. Furthermore, the landlord said M.T. had assured him that all documentation supplied to tenant J.J.'s workplace would be delivered to J.J.

89(1) An application for dispute resolution...when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;*
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;*
- (c) **by sending a copy by registered mail to the address at which the person resides** or, if the person is a landlord, to the address at which the person carries on business as a landlord;*
- (d) as ordered by the director under section 71(1) [director's orders: delivery and service of document]...*

The landlord testified that the tenants had failed to provide him with an address for service. The landlords may wish to explore serving the tenants by way of substituted services pursuant to section 71 of the *Act*. This allows a party to serve documents in a different way other than those listed in section 89 of the *Act*. A separate application is required to proceed in this manner and a party must show they have made reasonable efforts to serve the documents via one of the available options which was unsuccessful and that the other party is likely to receive the documents using a method proposed.

The landlords have not sufficiently demonstrated that they served the tenants with their application for dispute in a manner allowed and required by section 89(1) of the *Act*.

The landlords must bear the cost of their own filing fee.

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: November 27, 2018