



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

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

- a monetary order for compensation related to a Notice to End Tenancy for Landlord's Use of Property pursuant to section 51;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. The landlord did not attend the hearing.

Preliminary Issue: Service of Tenants' Application

The tenants testified that on August 19, 2022, they sent a copies of the Application for Dispute Resolution and Notice of Hearing to each of the landlords named in this application by registered mail. The tenants provided mail receipts and tracking numbers in support of service. The tenants testified that each of the packages were returned as unclaimed. The tenants testified that the mail was sent to the address they were provided as per the Buyer Notice to Seller for Vacant Possession form. The tenants did not serve the packages to the subject property which the Buyers were supposed to occupy after purchase.

As the tenants did not serve the rental unit address, I am not satisfied the landlord has been served with the tenants' application for dispute resolution in a manner required under section 89 of the *Act*. The tenants did not provide any supporting documents that the "buyers" were still residing at the address indicated on the Buyer Notice to Seller form. Presumably the landlords were to be occupying the subject property after the tenants vacated on April 30, 2022.

Conclusion

I dismiss the tenants' application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period. To error on the side of caution, if the tenants do reapply, they should serve the Application package to both addresses.

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: April 20, 2023

Residential Tenancy Branch