



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: MNR & FF

Introduction:

This hearing dealt with the landlord's application for a monetary claim due to non-payment of rent and damage to the rental unit. The landlord attempted to serve the tenant with notice of this hearing and the application to an address which they state is where the tenant now resides. The address used to serve the notice of hearing by registered mail was not claimed by the tenant and returned to the sender.

Section 89 of the *Act* outlines the service requirements for claims seeking monetary damages. This section of the *Act* requires that if the documents are served by registered mail it must be to an address where the tenant currently resides or to an address provided by the tenant.

The landlord states that this is the address the tenant currently resides at on the basis that she learned that he was now renting there and confirmed that the vehicle she believes to be the tenant's vehicle was parked in the assigned parking space. The landlord only had hearsay evidence supporting that this was an address at which the tenant resides at.

I am not satisfied that the landlord has met the service requirements dictated by section 89 of the *Act*. The landlord's evidence supporting that the address used is one at which the tenant currently resides is only speculative given the evidence.

Conclusion:

I dismiss the landlord's application with leave to re-apply. The landlord may want to consider seeking alternative means of serving the tenant through the provisions of substituted service under section 71 of the *Act*.

Dated December 03, 2008.

Dispute Resolution Officer