

DECISION

This hearing was convened in response to an application by the landlord for unpaid rent for the month of February 2007 and for compensation for loss of rental revenue in the absence of a proper Notice to Vacate from the tenant, and for alleged damage to the rental unit. The tenancy ended in mid-March 2007, when the tenant vacated the rental unit.

The tenant named in this matter did not call into the conference call hearing.

The landlord claims to have served the named tenant by registered mail in compliance with Section 89 of the Residential Tenancy Act (the Act). After not having had contact with the named tenant in this dispute for almost two (2) years, the landlord describes locating an individual via the internet with the same name of the tenant in this dispute. The landlord telephoned the assigned phone number of the individual. The landlord determined he recognized the voice answering the call as belonging to the named

tenant, and hung up. From this occurrence the landlord determined he had located his tenant and thus forwarded the Notice of Dispute Resolution to the assigned address, via registered mail. The Canada Post mail tracking system confirms that an individual with the same last name as the named tenant appears to have received the registered mail. However, the first name initial of this individual signing for the registered mail is not the initial of the named tenant.

I find the landlord has not established the tenant was properly served in this matter and based on the evidence before me I must dismiss this application. I further note that the time permitted to make an application for dispute resolution in this matter, as stated in Section 60 of the Act, is beyond two (2) years from the date the tenancy ended.

This application is dismissed.

Dated March 27, 2009.