



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

This hearing dealt with the landlord's request for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, loss of rent, and recovery of the filing fee. The tenants did not appear at the hearing. The landlord testified that he sent the hearing package to each tenant via registered mail addressed to the rental unit on May 28, 2009. Both registered mail packages were unclaimed by the tenants. Upon enquiry, the landlord stated that he met one of the co-tenants at the rental unit "near the end of May" and returned his June 2009 rent to him as that tenant was moving to another place. The landlord stated that he did know whether the other co-tenant stayed at the rental unit or moved as well.

Where a landlord serves a tenant via registered mail, section 89 of the Act requires that the landlord serve the registered mail to an address at which the tenant resides at the time of mailing. Based on the testimony I heard from the landlord I am not sufficiently satisfied that the tenants resided at the rental unit when the registered mail was sent to them. Therefore, I do not find sufficient service of the hearing package and the landlord's application is dismissed with leave to reapply.

The landlord explained how he has suffered severe medical issues lately and has not had the opportunity to attend the rental unit since late May 2009. The landlord stated he intends to attend the property soon. As information for the landlord, if the tenants have vacated or abandoned the rental unit, possession automatically reverts to the landlord and the landlord no longer requires an Order of Possession. If the tenants have not vacated or abandoned the rental unit, the landlord is at liberty to make another application for dispute resolution to request an Order of Possession. The landlord may make another request for a monetary claim provided the landlord can locate the tenants in order to serve them with notification of a hearing.

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: July 14, 2009.

Dispute Resolution Officer