



Dispute Resolution Services

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

DECISION AND REASONS

This hearing dealt with the landlord's application for an order of possession and a monetary order for unpaid rent, recovery of the filing fee and to retain the security deposit in partial satisfaction of her claim.

At the outset of the hearing, the landlord indicated that this application was made on July 16, 2009. At that time, the tenants were in the process of moving out without notice. At some time soon after July 16, 2009 the tenants moved out without providing the landlord with a forwarding address. The landlord served the notice of hearing package on the tenant by registered mail to his work place on July 21, 2009.

Residential Tenancy Policy Guideline #12 addresses Service Provisions. This guideline states that a landlord may serve documents on a tenant by registered mail at the address where the tenant resides at the time of mailing or at the forwarding address provided by the tenant. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. Since the landlord did not have the tenant's forwarding address, she mailed it to his work place. The landlord filed evidence of having mailed the notice of hearing by registered mail to the tenant's workplace; however the landlord did not provide proof of service of the notice to the tenant. Therefore, I am not satisfied that the tenant was served as required under the *Act*. The tenant is entitled to have an opportunity to be heard at the hearing and therefore I dismiss this matter with leave to reapply.

Dated September 02, 2009.

Dispute Resolution Officer