DECISION

Dispute Codes   OPR, MNR, MNDC, MNSD, FF

Introduction

This is the Landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent and compensation for loss of rent; to apply the security deposit towards the Landlord's monetary award; and to recover the cost of the filing fee from the Tenant.

Preliminary Matter

The Landlord's agent testified that the Tenant moved out of the rental unit on or about May 30, 2010. The Landlord's agent testified that she mailed the Notice of Hearing documents, by registered mail, to the Tenant at the rental unit on May 27, 2010.

Section 89(1)(c) of the Residential Tenancy Act (the "Act") allows for service of an Application for Dispute Resolution upon a tenant, by way of registered mail, **to the address at which the person resides**. Section 90 of the Act deems service in this manner to be effected 5 days after mailing the document, or in this case June 1, 2010. The Tenant no longer lived in the rental unit on June 1, 2010.

The Landlord has not served the Tenant in accordance with the provisions of Section 89 of the Act. Therefore, the Landlord's application is dismissed with leave to reapply.

Conclusion

The Landlord's application is dismissed with leave to reapply.

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, 2010.

                                          Dispute Resolution Officer