

DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution for a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent only. The tenant did not attend.

The landlord's agent testified that the Notice of Hearing documents were forwarded to the tenant at an address previously provided by the tenant, as her place of employment, via registered mail. The landlord has provided documentary evidence that the registered mail was received and signed for by a third party.

Section 89 of the Residential Tenancy Act (Act) requires the landlord to serve notice of a dispute to the tenant by leaving it with the person; sending a copy by registered mail to the address at which the tenant resides; or by sending a copy via registered mail to a forwarding address provided by the tenant.

As the landlord's evidence shows a third party has signed for the registered mail sent to the tenants place of employment but has failed to provide any evidence as to what that third party did with the notice, I find that I cannot determine whether the tenant was sufficiently served with notice of this hearing.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 67, and 72 of the *Act*.

Conclusion

For the reasons noted above, I dismiss the landlord's Application, in its entirety, with leave to reapply when the landlord is able to serve notice of the dispute in accordance with the *Act*.

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 21, 2010.

Dispute Resolution Officer