

DECISION

Dispute Codes MND, MNR, MNSD, FF

This hearing was scheduled to deal with the landlord's application for a Monetary Order for damage to the rental unit, unpaid rent, retention of the security deposit and recovery of the filing fee. The tenant did not appear at the hearing. The landlord testified the tenant was notified of this hearing by registered mail and that the registered mail was returned as "refused by recipient". The landlord cited a registered mail tracking number as evidence.

The landlord submitted that the address for the tenant was not provided by the tenant. Rather, the landlord was informed that the address used was the address of the tenant's girlfriend's parents and that the tenant may be living there.

The landlord was instructed to submit a copy of the registered mail receipt or envelope that was returned to the landlord by July 23, 2010 in order to substantiate the name and address of the recipient. The landlord did not provide this evidence.

Section 89(1) of the Act provides for ways a party may serve another party to a dispute. Where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant.

The Rules of Procedure require proof of service be provided where the respondent does not appear at a dispute resolution hearing.

Policy Guideline 12: *Service* provides that proof of service by registered mail should include the original receipt given by the post office and should include the date of

service, the address of service, and that the address of service was the person's residence at the time of service.

In light of the above, I find I have not been provided sufficient evidence to determine the tenant was served with notification of this hearing at an address at which the tenant resided at the time of mailing. Therefore, I dismiss this application 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 30, 2010.

Dispute Resolution Officer