

DECISION

Dispute Codes OPR, MNR, MNSD, & FF

Introduction

This hearing dealt with an application by the landlord seeking an Order of Possession, a monetary claim due to unpaid rent, a monetary claim related to damage or loss, and a request to retain the tenants' security deposit in partial satisfaction of this claim.

Section 89 of the *Act* requires that when applications deal with claims for compensation documents are to be served in a special manner. The landlord provided evidence that the tenants were served by registered mail to an address the landlord obtained from a credit cheque. A search of the registered mail tracking showed that the documents had not been claimed.

Section 89 requires that documents sent to a tenant by registered mail must be to an address where the tenant resides or to an address provided by the tenant. The landlord has not provided me with any evidence that the address obtained in the credit check is an address where the tenants reside. Since the registered packages were not claimed I am not satisfied that the tenants have been served with notice of this application.

Conclusion

I dismiss the landlord's application with leave to re-apply as I am not satisfied that the tenants were served with notice of this application and hearing pursuant to section 89 of 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: October 06, 2010.

Dispute Resolution Officer