



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNSD MNR MNDC MND O FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for unpaid rent or utilities, to keep the security and or pet deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for damage to the unit site or property, for other reasons, and to recover the cost of the filing fee from the Tenant for this application.

The Landlord appeared at the teleconference hearing and provided affirmed testimony.

### Issues(s) to be Decided

1. Is the Landlord entitled to a Monetary Order?

### Background and Evidence

The Landlord testified that she sent the hearing documents to the Tenant via regular mail sometime mid June 2010. She advised that she sent them to an address which they found on a lease agreement which was left in the room after the Tenant had vacated.

### Analysis

The Landlord provided evidence that the hearing package was sent regular mail to the Tenant to an address she had found inside the rental unit after the Tenant had vacated.

Based on the aforementioned I find that service of the Notice of Dispute Resolution was not effected in accordance with Section 89 of the *Residential Tenancy Act* which states that service of Notice of Dispute Resolution, if sent by mail must be sent via registered mail and must be sent to the address at which the person resides. To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. As I have found the service of documents not to have been effected in accordance with the *Act*, I dismiss the Landlord's claim, with leave to reapply.

As the Landlord has not been successful with his application, I decline to award recovery of the filing fee.

#### Conclusion

**I HEREBY DISMISS** the Landlord's claim, 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: November 05, 2010.

---

Dispute Resolution Officer