



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

### Dispute Codes:

OPR, MNR, MNSD, FF

### Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Landlord stated that he sent copies of the Application for Dispute Resolution and Notice of Hearing to the Tenant, via registered mail, at the rental unit on November 02, 2010. He stated that he believes the Tenant had vacated the rental unit by October 29, 2010.

### Analysis

The purpose of serving the Application for Dispute Resolution and Notice of Hearing is to notify the Tenant that a legal proceeding has been initiated. The Landlord has the burden of proving that the Tenant was served with the Application for Dispute Resolution and Notice of Hearing in accordance with section 89 of the *Residential Tenancy Act (Act)*.

Section 89(1) of the *Act* stipulates, in part, that a landlord may serve a tenant with an Application for Dispute Resolution in one of the following ways:

- (a) by leaving a copy with the person;
- (c) by sending a copy by registered mail to the address at which the person resides;
- (d) by sending a copy by registered mail to a forwarding address provided by the tenant;  
or
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Section 89(2) of the *Act* stipulates, in part, that a landlord may serve a tenant with an Application for Dispute Resolution in one of the following ways:

- (a) by leaving a copy with the tenant;

- (c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;
- (d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides; or
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

I find that the Application for Dispute Resolution and the Notice of Hearing were not served pursuant to section 89 of the *Act*, as the documents were mailed to an address at which the Tenant is no longer residing and the Tenant did not advise the Landlord to use this address as her forwarding address.

### Conclusion

As the Application for Dispute Resolution and the Notice of Hearing were not served pursuant to section 89 of the *Act* and the Tenant did not attend at this hearing, I am unable to proceed with the hearing. I therefore dismiss this Application for Dispute Resolution, 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: February 11, 2011.

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Residential Tenancy Branch