



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, MNDC, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, for compensation for a loss of rental income, for liquidated damages, to recover the filing fee for this proceeding and to keep the Tenant's security deposit.

The Landlord's agent said the Tenant was served by registered mail with the Application and Notice of Hearing (the "hearing package") on October 22, 2010 however it was returned to the Landlord unclaimed. The Landlord's agent said the hearing package was sent to the address provided by the Tenant on her rental application (ie. the Tenant's former residence) because the Tenant would not give him a forwarding address when she moved out. Section 89 of the Act says that the application for dispute resolution must be sent to the address where the Tenant resides or to a forwarding address provided by the Tenant. I find that there is insufficient evidence to conclude that the Tenant was served with the Landlord's hearing package at her current residence as required by s. 89 of the Act and as a result, the Landlord's application is dismissed with leave to reapply within the time limits set out under s. 60 of the Act.

Conclusion

The Landlord's application is dismissed 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 22, 2011.

Residential Tenancy Branch