



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNSD, FF

Introduction

This hearing was scheduled to hear the landlord's application for an Order of Possession for unpaid rent and authorization to retain all or part of the tenant's security deposit in satisfaction of cleaning and damages. The tenant did not appear at the hearing. The landlord testified that she had already been provided an Order of Possession and Monetary Order for unpaid rent under the Direct Request procedure and that the tenant vacated the rental unit May 15, 2011.

The landlord pointed to the Move-Out inspection report to show the forwarding address provided by the tenant on May 15, 2011. The forwarding address recorded on the inspection report is a PO Box number. The landlord provided a registered mail receipt showing the landlord sent the hearing documents to a street address but not a PO Box number.

The landlord explained that Canada Post informed her that she could not sent registered mail to a PO Box number. The landlord was aware that the tenant's father had a business in the same town as the PO Box number provided by the tenant. The landlord's internet search of the business showed the same PO Box number as the forwarding address provided by the tenant and showed a street address for the business. The landlord then sent the registered mail to the address for the tenant's father's business.

The landlord testified that a search of the registered mail tracking number showed Canada Post made two attempts to deliver the registered mail and that eventually the registered mail was returned to her with a notation scribbled on it that the sender should use the proper address.

Section 89 of the Act provides for ways a landlord must serve an Application for Dispute Resolution. With respect to monetary claims, a landlord may serve the tenant personally or by registered mail or as otherwise ordered by the Director. Where registered mail is used, the mail must be sent to the tenant's residence or to the forwarding address provided by the tenant.

I have found insufficient evidence that the address used by the landlord to send the registered mail to the tenant meets the requirements of section 89. Therefore, I dismiss the landlord's application with leave to reapply. The landlord is at liberty to reapply in order to serve the tenant in a manner that complies with the requirements of section 89.

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: June 15, 2011.

Residential Tenancy Branch