



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of that amount.

The Landlord's agent said she served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on May 20, 2011 but it was returned to her. The copy of the registered mail receipt provided as evidence by the Landlord shows an address that is not the Tenant's mailing address and the Landlord's agent admitted that the hearing package was likely sent to an incorrect address. In the circumstances, I find that the Tenant was not served with the Landlord's hearing package as required by s. 89 of the Act and her application is dismissed with leave to reapply.

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: June 14, 2011.

Residential Tenancy Branch