



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application for a Monetary Order for damage to the rental unit; unpaid rent; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord's agent testified and submitted documentary evidence to show that the hearing documents were sent via registered mail to an address appearing on the tenant's resume. The registered mail was returned by Canada Post with the notation "no such address". The landlord's agent confirmed that no further steps were taken to verify or ascertain the tenant's address after the registered mail was returned.

Section 89(1) provides for ways an Application for Dispute Resolution involving a monetary claim must be served on another party. If the applicant decides to use registered mail the registered mail must be sent to either the tenant's address at which the tenant resides or the forwarding address provided by the tenant. Where a respondent does not appear at the hearing, it is upon the applicant to prove service occurred in a manner that complies with the Act.

Based on the evidence before me, I find I am not satisfied that the registered mail was sent to an address that meets the requirements of section 89(1) of the Act. Therefore, I dismiss this application 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: August 16, 2011.

Residential Tenancy Branch