



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 was scheduled to deal with the landlord's application for a Monetary Order for unpaid rent or utilities; damage to the rental unit; 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 provided the following information with respect to service of hearing documents.

I heard that in early June 2011 the tenant verbally provided the landlord with a forwarding address over the phone. The landlord made this Application for Dispute Resolution on June 14, 2011 and due to the postal strike sent the Notice of Hearing and landlord's application to the tenant via Fedex using the address the tenant had provided verbally. Fedex subsequently left a message for the landlord that the address used was undeliverable.

The landlord also sent the tenant an evidence package via registered mail on September 6, 2011 using the address given to him verbally by the tenant. The landlord provided a registered mail tracking number as evidence. A search of the registered mail tracking number also showed that the address was undeliverable. The landlord confirmed that he has not received a forwarding address from the tenant in writing.

Section 89 of the Act provides for ways a party must serve an Application for Dispute Resolution upon the other party. During the postal strike, the Director deemed service by courier, requiring a signature, to be a satisfactory method of service since registered mail was unavailable during the strike. Section 89 provides that where registered mail is used for service, it must be sent to either the person's address of residence or the forwarding address provided by the tenant. Such requirements also applied to packages sent by courier during the postal strike.

Based upon the evidence before me, I am satisfied the tenant has not provided the landlord with a forwarding address in writing and the address used for service was undeliverable. As I am not satisfied the tenant has been notified of the proceeding against her, 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: September 15, 2011.

Residential Tenancy Branch