



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, MNSD, FF

At the onset of the Hearing, the Landlord stated that the application for dispute resolution (the "Application") and notice of hearing was served on the Tenant on August 22, 2011 by registered mail to the dispute address and was returned. The Landlord stated that no evidence is available on where the Tenant was residing at the time of the service as the Landlord made no attempts to determine whether the Tenant was still in the unit after the effective date of the Notice to End Tenancy, July 28, 2011.

The Landlord states that as of August 24, 2011 the Landlord determined that the Tenant was no longer in the unit. Further the Landlord stated that the Tenant had returned the garage remote at some unknown point before early August 2011 to the previous manager. Given the evidence of the Landlord and noting the effective date of the Notice to End Tenancy, I find it more likely than not that the Tenant was not residing in the unit at either the time of the application or at the time of serving the application. I find therefore that service of the application has not been carried out in accordance with the Act and I dismiss the 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 27, 2011.

Residential Tenancy Branch