



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, FF

DECISION AND REASONS

This hearing dealt with the landlord's Application for Dispute Resolution, seeking a monetary order for damage and unpaid rent and to recover the filing fee.

The landlord's agent appeared and gave affirmed testimony.

The landlord testified that the tenant was served the Application and Notice of the Hearing Package via registered mail on or about July 20, 2011. The landlord submitted a tracking number to that mail, but did not confirm delivery of the envelope.

Upon query, the landlord stated that the tenant had not provided a forwarding address and that she sent the Application and Notice of the Hearing Package to a post box address.

The landlord's agent stated that everyone in that town, due to its small size, received mail with a post box address. The landlord's agent submitted that she assumed the tenant had stayed in the town in which the dispute address was located and that she had not changed box numbers, but did not know.

The Residential Tenancy Act (the "Act") and principles of natural justice require that the tenant/respondent be informed of the nature of the claim and the monetary amount sought against her. This is one of the many purposes of the Application for Dispute Resolution and the Notice of Hearing. Without being served in a manner conforming to the section 89 (1) (a) (c) or (d) of the Act and the Residential Tenancy Branch Rules of Procedure, the tenant/respondent would easily have any Decision or Order made against her overturned upon Review.

Therefore, on a balance of probabilities and insufficient evidence by the landlord, I find the tenant has not been served with the Notice of Hearing and Application for Dispute Resolution in a manner complying with section 89 of the Act. I **dismiss** the landlord's 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: October 05, 2011.

Residential Tenancy Branch