



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, OPR, FF

Introduction

This was an application by the landlord for an order for possession, a monetary order and an order to retain the security deposit in partial satisfaction of the monetary claim. The hearing was conducted by conference call. The landlord's representative attended, but the tenants did not call in and did not participate in the hearing.

Background and Evidence

The landlord's representative testified that the tenants failed to pay the full amount of rent for September. The landlord served a 10 day Notice to End Tenancy for unpaid rent on September 6, 2011. The landlord filed this application for dispute resolution on September 28, 2011. The landlord's representative testified that she was advised by another tenant of the rental property that the tenants moved out of the rental unit on September 30, 2011. The landlord sent the application for dispute resolution and Notice of Hearing to the tenants by registered mail on September 30, 2011

Analysis and conclusion

Section 89 of the *Residential Tenancy Act* provides that an application for dispute resolution may be served on a tenant by sending a copy by registered mail to the address at which the person resides.

The landlord's evidence shows that the tenant moved out of the rental unit on September 30, 2011, the day that the landlord sent the documents by registered mail. I find that the tenants did not reside at the rental unit address when the registered mail was sent. The landlord has not satisfied the onus of proving that the tenants have been properly served and the landlord's application is therefore dismissed with leave to reapply.

Dated: October 27, 2011.

Residential Tenancy Branch