



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR, MNSD, MNDC, FF, O

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and compensation for damage or loss; to retain the security deposit in partial satisfaction of his monetary award; and to recover the cost of the filing fee from the Landlord.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that he served the Tenants with the Notice of Hearing documents, by registered mail sent to the rental unit. The Landlord testified that he mailed the documents on September 12, 2011.

Preliminary Matters

At the onset of the Hearing, the Landlord testified that the Tenants moved out of the rental unit on September 11 or 12, 2011.

Section 89(c) of the Act provides for service of the Notice of Hearing documents by sending the documents to the **address at which the person resides**. Section 90 of the Act deems service by registered mail to be effected 5 days after mailing the documents. Therefore, I find that the Landlord did not serve the Tenants with the Notice of Hearing documents in accordance with the provisions of the Act.

I dismiss the Landlord's application **with leave to reapply**.

Conclusion

The Landlord's application is dismissed **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 17, 2011.

Residential Tenancy Branch