



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing was scheduled to deal with the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent and authority to retain the security deposit. The tenant did not appear at the hearing. The landlord testified that the hearing package was posted to the tenant's door on October 26, 2011 and sent to the tenant at the rental unit via registered mail on October 26, 2011. The landlord verbally provided a registered mail tracking number. A search of the tracking number showed that the registered mail has not been claimed by the tenant. The landlord testified that he heard from others that the tenant has not been seen at the rental unit for some time. The landlord's cleaning person entered the unit 5 or 6 days ago and found that possessions remain in the rental unit; however, the landlord submitted that these may be abandoned possessions.

When a tenant abandons a rental unit and no longer resides at the rental unit, the tenancy ends and the landlord automatically regains possession of the unit at the time of abandonment. It is upon the landlord to determine whether the tenant has abandoned the rental unit. The Residential Tenancy Regulations provide for abandoned property rules and the landlord is encouraged to become familiar with those rules in determining whether a unit is abandoned and in dealing with abandoned possessions. For further information on abandoned property, the landlord may contact the Residential Tenancy Branch by phone or email or access the website [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca).

The purpose of serving documents under the Act is to notify the person being served of their breach and the action being taken against them. Section 89 provides for ways an Application for Dispute Resolution must be served upon a respondent. Where a respondent does not appear at the scheduled hearing, it is upon the applicant to prove service of the hearing documents upon the respondent.

When a document is posted, it must be posted at the place the person resides. If a document is sent by registered mail the address used for mailing must be the person's place of residence or forwarding address.

Based upon the evidence before me, I find I am unable to determine whether the tenant was residing in the rental unit or had already abandoned the rental unit when the landlord's Application for Dispute Resolution was posted on the door and sent to the tenant at the rental unit by registered mail. Therefore, I am not satisfied that the tenant has been sufficiently notified of the application that has been filed against her.

In light of the above, 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: November 15, 2011.

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Residential Tenancy Branch