



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, LRE

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders including the following:

1. A Monetary Order for compensation for loss - Section 67;
2. An Order for the Landlord to comply with the Act - Section 62; and
3. An Order to for the Landlord to return the tenant’s personal property – Section 70.

The Landlord did not appear at the Hearing. The Tenant confirmed that the application for dispute resolution (the “Application”) and Notice of Hearing were served on the Landlord at an incorrect address. The Tenant believes that the postal office forwarded the mail to the correct address but is not certain. The Tenant provided copies of the postal confirmation that the registered mail was not picked up by the Landlord and a copy of the envelope noting the incorrect address.

The Act provides the following requirements for service of the Application

- 89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:
- (a) by leaving a copy with the person;
 - (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
 - (c) by sending a copy by registered mail to the address at which the person resides or, **if the person is a landlord, to the address at which the person carries on business as a landlord;**
 - (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

As the Tenant served the Application at an incorrect address, I cannot find that service has been accomplished in accordance with Section 89 of the Act and I therefore 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: December 07, 2011.

Residential Tenancy Branch