



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNSD, MNR, FF

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order for unpaid rent and the filing fee, and an order to keep all or part of the security deposit.

The Landlord provided affirmed testimony that she served the Tenant, with the Application for Dispute Resolution and Notice of Hearing on December 16, 2011, by sending these by registered mail addressed “general delivery” to the post office of the town in which the Tenant’s parents and children live.

The Tenant did not participate in the conference call hearing.

The Landlord stated that the Tenant was served with a Ten Day Notice to End the Tenancy on December 03, 2011, and that the Tenant vacated the rental unit before January 01, 2012. The Landlord stated that the Tenant did not provide the Landlord a forwarding address, although the Landlord has been trying to communicate with the Tenant by text message. The Landlord stated that the Tenant is uncommunicative and they do not know where she currently resides. The Landlord stated that she sent the Notice of Hearing and Application to the Tenant by registered mail addressed “general delivery” to the town in which the Tenant’s parents and children live. The Landlord states that although she does not have a box number or address for the Tenant, it is a small town and she hopes that someone at the post office will get it to the Tenant. The Landlord stated that she sent a text message to the Tenant requesting that she go to the post office and pick up the “general delivery” registered mail sent there. The Landlord confirmed the Tenant is currently not communicating with her.

The Notice of Hearing and Application for Dispute Resolution package were made available to the Landlord on December 15, 2011. Section 59(3) of the Residential Tenancy Act, the “Act”, requires that the applicant serve the respondent with the Application, which includes the Notice of Hearing, within three days. Section 89 of the Act, provides specific rules for the service of the Application for dispute resolution package. Section 89 states:

Special rules for certain documents

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*].

The Landlord is unsure where the Tenant is residing and the Tenant has not provided a forwarding address to the Landlord. The Landlord served the Application and Notice by sending it by registered mail addressed "general delivery" to a town where they believe the Tenant may reside as she has family in that town, thus I find that the Landlord failed to serve these documents in accordance with section 89 of the Residential Tenancy Act (the "Act").

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: January 04, 2012.

Residential Tenancy Branch