



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order for unpaid rent and damages to the unit, site, or property.

The Landlord provided affirmed testimony that he did not serve the Tenant, with the Application for Dispute Resolution and Notice of Hearing as he does not have the address where the Tenant currently resides.

The Tenant did not participate in the conference call hearing.

The Landlord stated that the Tenant vacated the rental unit on December 08, 2011 without providing the Landlord with a forwarding address where he resides. The Landlord stated that the Tenant is also not returning his phone calls and that he does not know how to reach the Tenant to resolve the outstanding issues relating to the tenancy. The Landlord confirmed the Tenant is currently not communicating with him and that he has been unable to serve the Tenant with the Application for Dispute Resolution and the Hearing Notice.

The Notice of Hearing and Application for Dispute Resolution package were made available to the Landlord on December 22, 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 the Landlord with his forwarding address, as a result the Landlord has been unable to serve the Tenant. I find that the Landlord failed to serve the 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 10, 2012.

Residential Tenancy Branch