



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with an application for dispute resolution by the landlord for an order of possession due to unpaid rent, a monetary order for unpaid rent, for authority to retain the tenant's pet damage deposit and security deposit and to recover the filing fee.

The landlord's agent submitted that the tenant failed to pay rent for February 2012, which resulted in the issuance of a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") being posted on the tenant's door on February 8, 2012.

The landlord's agent further submitted that the landlord made a determination on February 20, 2012, after a properly noticed inspection, that the tenant had abandoned the rental unit. Upon query the landlord's agent confirmed that they considered the rental unit abandoned by the tenant as of that date.

The landlord's agent stated that initially the landlord cancelled the hearing due to a lack of a proper service address, but claimed that the landlord was contacted by the Residential Tenancy Branch and was advised to continue the hearing.

The landlord's agent confirmed that the Notice of Hearing and application for dispute resolution was served upon the tenant via registered mail, to the abandoned address.

Analysis

Section 89 of the Residential Tenancy Act (the "Act") describes ways in which documents must be delivered for purposes of a hearing on dispute resolution, including by sending via registered mail to the address at which the person resides or, if the person is a tenant, to the forwarding address provided by the tenant.

Additionally the hearing documents may be delivered personally to the respondent, according to Section 89 of the Act.

Due to the landlord's agent's confirmation that the Notice of Hearing was sent to an abandoned address, I find that service of the Notice of Dispute Resolution to the tenant was not in accordance with Section 89 of the *Act*.

Conclusion

I therefore **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: March 08, 2012.

Residential Tenancy Branch