



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, OPB, MNR, MND, MNDC, MNSD

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, for liquidated damages, for compensation for cleaning and repair and storage expenses.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail to the rental unit address as well as to the Tenant's sister's residence. The Landlord did not provide proof of service of the registered mail but admitted that both packages were returned to him. The Landlord claimed that he received an e-mail from the Tenant on February 28, 2012 which stated that she would not be returning to the rental unit but that her sister would be attending the rental unit to collect some of her belongings. The Landlord said the Tenant's sister attended the rental unit in mid-March 2012 to collect some belongings and claimed that she would return to collect more but never did.

The Landlord said that when the hearing packages were returned to him, he e-mailed the Tenant about the hearing but he did not receive a response from her. I find that the Tenant has not been served with the Landlord's hearing package as required by s. 89(1) of the Act because one copy was served on her at the rental unit address after she advised the Landlord that she had already vacated. I also find that the second package sent to the Tenant's sister was not properly served as there is no evidence that that is her residence and the Landlord did not have an order permitting him to serve the documents in a different manner than required by s. 89(1) of the Act. Consequently, the Landlord's application is dismissed with leave to reapply.

### Conclusion

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: April 10, 2012.

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Residential Tenancy Branch