



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNDC, MNSD, FF

### Introduction

This hearing was scheduled to hear the landlord's application for a Monetary Order for damage to the rental unit; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit or pet deposit. The tenant did not appear at the hearing.

The landlord testified that on March 12, 2012 she left the hearing documents and her documentary evidence on the door step of the forwarding address provided by the tenant by way of a letter dated April 28, 2010. I noted that the forwarding address provided by the tenant was almost two years old. The landlord confirmed that she had not received any response to the documents left at the forwarding address and that she had not confirmed the address to be tenant's current residence or address for service.

The purpose of serving documents is to put the other party on notice of the claims against that person and to provide that person the opportunity to provide a response. When a respondent does not appear at a scheduled hearing, the applicant bears the burden to prove the respondent was served in a manner that complies with the Act.

Section 89(1) of the Act provides for ways an Application for Dispute Resolution for a monetary claim must be served upon the other party. The permissible ways to serve a tenant with an Application for Dispute Resolution for a monetary claim are personal delivery or registered mail or another method ordered by the Director. Where registered mail is used the applicant is limited to using certain addresses for service.

In this case the tenant did not appear at the hearing and the landlord did not serve the tenant in a manner that complies with section 89(1) of the Act. Accordingly, I did not proceed to hear from the landlord and I dismissed the landlord's application with leave to reapply. It is important to note that this does not extend any applicable deadlines under the Act.

Conclusion

The application has been dismissed with leave to reapply due to insufficient service of hearing documents. This does not extend any applicable deadlines under the Act.

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: May 03, 2012.

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Residential Tenancy Branch