



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MND, MNSD and FF

### Introduction

This hearing was convened on the landlord's application seeking a Monetary Order for unpaid rent, damage to the rental unit, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

As a matter of note, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing.

On examining the proof of service provided by the landlord, I note that the hearing documents were sent by registered mail to the tenant at the address of the rental unit on May 3, 2012.

However, the application is dated March 7, 2012 and states that the tenant had abandoned the rental unit. Canada Post tracking information verifies that when service was attempted, the recipient was not located at the address provided.

Residential Tenancy Policy Guideline 12.2 which sets out service provisions for applications for dispute resolution states, in part, that: "Where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant."

Section 59(3) of the Act requires that: "...a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director."

Accordingly, I must find that the respondent tenant was not served with the Notice of Hearing.

Therefore, the application is dismissed with leave to reapply if and when the applicant landlord is able to locate and serve the tenant with a Notice of Hearing and evidence.

A copy of the fact sheet, "How to Service Documents" accompanies the landlord's copy of this decision.

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 09, 2012.

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Residential Tenancy Branch