



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for an order of possession for unpaid rent or utilities, a monetary order for unpaid rent or utilities, to keep all or part of a security deposit, for money owed or compensation for damage or loss, and to recover the filing fee.

The tenants did not attend the hearing. Service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The landlord stated that the Notice was mailed via registered mail to the rental unit address on June 19, 2012. The landlord stated that the tenants vacated the rental unit on June 15, 2012.

Residential Tenancy Branch Guideline #12 sets out the special requirements for service of documents. When a landlord is sending the Notice to the tenant via registered mail, the landlord must send it to the address where the tenant resides at the time of mailing, or the forwarding address provided by the tenant.

As the tenant did not provide a forwarding address, and was not residing at the rental unit on June 19, 2012, I find that tenants were not served with the Notice. The tenants have a right to a fair hearing which requires notice of the hearing. I, therefore, **dismiss the landlord's application with leave to reapply**.

I note this does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 29, 2012

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Residential Tenancy Branch