



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for unpaid rent, to keep the security deposit and to recover the cost of the filing fee from the Tenant for this application.

Issue(s) to be Decided

1. Has service of the hearing documents been completed in accordance with the Act?

Background and Evidence

The Landlord affirmed they made their application for dispute resolution on July 19, 2012 and served the Tenant the hearing documents via registered mail on July 21, 2012. A neighbouring tenant called the Landlord on July 23, 2012 to advise that the Tenant vacated the property a few days earlier.

The Landlord affirmed she checked the Canada Post website this morning and confirmed the hearing documents have been unclaimed by the Tenant. The Landlord confirmed that she did not have a forwarding address for the Tenant.

Analysis

The evidence supports the Notice of Dispute Resolution package was sent via registered mail to the Tenant at the rental unit and the documents have yet to be picked up by the Tenant. The evidence supports the Tenant vacated the property shortly after the documents were mailed. Therefore service of the hearing documents has not been completed.

To find in favour of an application for a monetary claim, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper

notice to be able to defend their rights. As I have found the service of documents not to have been completed I dismiss the Landlord's claim, with leave to reapply.

As the Landlord has not been successful with their application, I find that they are not entitled to recover the cost of the filing fee from the Tenant.

Conclusion

I HEREBY DISMISS the Landlord's claim, 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: August 15, 2012.

Residential Tenancy Branch