



# 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 effected in accordance with the Act?

### Background and Evidence

The Landlord affirmed they made their application for dispute resolution on July 18, 2012 and served the Tenant the hearing documents via registered mail on July 20, 2012. The Tenant vacated the property and attended the move out inspection on July 23, 2012 at which time she provided the Landlord with her forwarding address.

The hearing documents which were sent via registered mail were returned to the Landlord unclaimed by the Tenant. The Landlord confirmed that there was nothing on file that would indicate the Landlord attempted to re-serve the hearing documents to the Tenant at her forwarding address.

### Analysis

The evidence supports the Notice of Dispute Resolution package was sent via registered mail to the Tenant at the rental unit and was returned to the Landlord unclaimed, as 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 effected in accordance with the *Act*, 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.

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Residential Tenancy Branch