



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 was scheduled to hear the landlord's application for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent and loss of rent; and authorization to retain the security deposit. Neither of the named respondents appeared at the hearing.

The landlord testified that on July 23, 2012 the manager entered the rental unit and found the unit to be vacant. The landlord then sent the hearing packages to the named respondents on July 24, 2012 via registered mail addressed to the rental unit. The registered mail was returned to the landlord as unclaimed.

Section 89(1) of the Act provides for permissible ways to serve a respondent with a monetary claim. Where a landlord uses registered mail to serve a tenant the landlord must send the registered mail to the address at which the tenant resides or the tenant's forwarding address. Residential Tenancy Policy Guideline 12: *Service Provisions* provides that a landlord must be prepared to prove that the address used was the tenant's residence at the time of mailing.

As the tenants had already vacated the rental unit by the time the landlord mailed the hearing packages I find the respondents were no longer residing in the rental unit and the respondents have not been sufficiently served with the hearing packages. Therefore, I dismiss the landlord's application with leave to reapply. The landlord remains at liberty to file another application against the tenant within two years of the tenancy ending.

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 22, 2012.

Residential Tenancy Branch