Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNR, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and for the recovery of the filing fee. The property manager JD testified that the building manager who was handling this case, fell ill and was unable to attend the hearing. JD stated that the tenant moved out without providing a forwarding address. The building manager did some research on the internet, found the address of the tenant through Canada 411 and served the notice of hearing to the tenant, by registered mail. JD was unable to provide a tracking number or any evidence as proof of service. The tenant did not attend the hearing.

Analysis

Residential Tenancy Policy Guideline #12 addresses Service Provisions and states that a landlord may serve documents on a tenant by registered mail at the address where the tenant resides at the time of mailing or at the forwarding address provided by the tenant. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. Since the tenant did not provide a forwarding address, the building manager mailed the notice to an address she found online. The landlord did not provide proof of service of the notice to the tenant. Therefore, I am not satisfied that the tenant was served as required under the *Act*. The tenant is entitled to have an opportunity to be heard at the hearing and since the manager who served the tenant was unable to attend the hearing for health reasons, I dismiss this matter with leave to reapply.

Conclusion

The landlord's application is dismissed 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 24, 2012.

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Residential Tenancy Branch