



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD MNDC FF

Introduction

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

The tenant did not attend the hearing. As a result, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The landlord stated that the Notice was mailed via Canada Post to a new address which was provided by the new tenants which were advised by a third party about the tenant's alleged new address. According to the landlord, the first attempt by Canada Post was not successful. The landlord testified that the second attempt by Canada Post was not successful as a person at that address wrote on the mail delivery slip that the person named on the package did not reside there. The landlord then attended in person at the address where he believed the tenant moved to, however, was unable to confirm that the tenant was residing there. According to the landlord, the tenant did not provide a forwarding address after abandoning the rental unit.

Given the above, **I find** that tenant has not been served with the Notice. The tenant has the 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: September 19, 2012

Residential Tenancy Branch