



# 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 dealt with the landlord's Application for Dispute Resolution, seeking an order of possession for unpaid rent or utilities, a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the filing fee.

The landlord attended the hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The landlord testified that she mailed the Notice to the rental unit address by registered mail after the tenants abandoned the rental unit. A forwarding address was not provided by the tenants.

Residential Tenancy Branch Policy Guideline #12 Service Provisions requires that where a landlord is serving a tenant by registered mail, the address for service must be where the tenants reside at the time of mailing, or the forwarding address provided by the tenants. Therefore, **I find** the tenants have not been served in accordance with Policy Guideline #12.

The tenants have a right to a fair hearing and would not be aware of the hearing without having received notice of the dispute resolution hearing. Therefore, **I 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 25, 2012

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Residential Tenancy Branch