



# 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 landlords' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act"), 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, authority to retain the security deposit, and to recover the filing fee.

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

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 tenant resides at the time of mailing, or the forwarding address provided by the tenant. Therefore, **I find** the tenant has not been served in accordance with Policy Guideline #12.

The tenant has 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 landlords' 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 27, 2012

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Residential Tenancy Branch