



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was scheduled to deal with the landlord's application for a Monetary Order for unpaid rent and utilities. The tenant did not appear at the hearing. The landlord testified that in April 2012 the tenant vacated the rental unit and provided the landlord with a phone number where the tenant could be reached. The landlord explained that the phone number is linked to a business that the tenant's father owns and where the tenant works.

The landlord sent the hearing documents to the tenant, care-of the business, via registered mail on September 8, 2012. The registered mail was delivered September 10, 2012.

Section 89 of the Act provides for the ways hearing documents must be served upon a respondent. Monetary claims may be served upon a tenant in person or via registered mail. Where a landlord chooses to use registered mail, the landlord must use the address at which the tenant resides or the forwarding address provided by the tenant.

Where a respondent does not appear at the scheduled hearing, the applicant bears the burden to show the respondent was sufficiently served.

Upon further review of the proof of service documents I note that the registered mail label also identified the business name. As the business was identified as a recipient on the mailing label and the signature recorded by Canada Post does not resemble the tenant's signature, as it appears on the tenancy agreement or returned cheque, I find I am not satisfied the tenant received the hearing documents.

In light of the above, I dismiss the landlord's application with leave to reapply. The landlord is at liberty to file another application and serve such application upon the tenant in a manner that complies with the Act or as otherwise authorized by a Dispute Resolution Officer.

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: October 04, 2012.

Residential Tenancy Branch