



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction and Analysis

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, authorization to keep all or part of the security deposit, and to recover the filing fee.

An agent for the landlord (the "agent") 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 agent testified that the Notice was mailed via registered mail to the rental unit on September 19, 2012. A tracking number was provided as evidence. The agent testified that according to his documents, the tenant abandoned the rental unit on September 19, 2012, and is therefore no longer requesting an order of possession as the landlord has possession of the rental unit since filing their application.

The agent testified that the tenant failed to provide the landlord with their forwarding address. The agent stated that the registered mail package was returned to the landlord with an "unclaimed" sticker on the package.

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. The agent stated that the tenant abandoned the rental unit on the same date that the landlord mailed the registered mail package to the tenant. Therefore, **I find** the tenant has not been served in accordance with Policy Guideline #12 as the tenant abandoned the rental unit the same day the registered mail package was mailed to the tenant by the landlord.

The tenant has a right to a fair hearing and would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing. Therefore, **I dismiss** the landlord's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The landlord's application is dismissed with leave to reapply.

This decision 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: October 22, 2012

Residential Tenancy Branch