



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders including the following:

1. An Order of Possession – Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. A Monetary Order for compensation – Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

The Tenant did not appear at the Hearing. The Landlord stated that the application for dispute resolution (the “Application”) and Notice of Hearing was served on the Tenant by registered mail on October 15, 2012. The Landlord states that the mail was sent to an address provided by the Tenant on August 30, 2012. On this date the Tenant gave notice to end the tenancy for September 30, 2012 with the address and told the Landlord that the Tenant would be out of the country for a period of time. The Landlord states however that the Tenant lied and remained in the unit until October 15, 2012 when a bailiff removed the Tenant pursuant to a previously granted Order of Possession. The Landlord does not know where the Tenant resides.

The Act provides the following requirements for service of the Application

- 89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:
- (a) by leaving a copy with the person;
 - (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
 - (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
 - (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Given the Landlord's evidence that the address provided by the Tenant was part of information provided by the Tenant that the Landlord calls a lie, I cannot find this address to be acceptable for service as either a forwarding address or a residential address. I therefore find that service has not been accomplished in accordance with Section 89 of the Act and I dismiss the application with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: November 20, 2012.

Residential Tenancy Branch