



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 an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order for unpaid rent and damages to the unit, and to keep all or part of the security deposit.

The 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 on January 4, 2013 to the rental unit address by registered mail after the tenant had vacated the rental unit. The landlord stated the tenant did not provide a forwarding address.

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 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 landlord's application with leave to reapply. This does not extend any applicable time limits under the Act.

Conclusion

The landlord's application is dismissed 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 *Residential Tenancy Act*.

Dated: January 15, 2013

Residential Tenancy Branch

