



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MND, FF

### Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") for a monetary order for unpaid rent and damage to the rental unit, and to recover the filing fee.

The landlord's agent appeared; the tenant did not appear.

When questioning the landlord concerning the address used to serve the respondent/tenant with the landlord's Application for Dispute Resolution and Notice of Hearing (the "Hearing Package"), the landlord's agent did not initially know as she was substituting for the landlord's agent who had handled the file.

I allowed the landlord's agent to obtain the information, and was then informed that an address for the tenant had been obtained during a credit inquiry, which was used by the landlord to serve their Hearing Package to the tenant via registered mail on January 14, 2013. The landlord said that the envelope containing the Hearing Package was returned to the landlord.

I allowed the landlord's agent to fax the credit inquiry results to me after the hearing, which she so did.

I will address my findings on the service of the Notice of Hearing later in this Decision.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order and to recover the filing fee?

### Analysis and Conclusion

Based on the oral and written evidence and on a balance of probabilities, I find as follows:

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenant in this case) by leaving it with the

person, by sending a copy by registered mail to the address at which the person resides or if a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant.

In the case before me, I find the landlord submitted insufficient evidence that the address used by the landlord to serve the tenant by registered mail was an address at which the tenant resided as I cannot conclude that the address obtained through a credit inquiry was an address at which the tenant resided.

The landlord additionally confirmed that the tenant did not leave a forwarding address.

I therefore find the landlord submitted insufficient evidence that they served the tenant their application for dispute resolution and notice of this hearing in a manner required by the Act. I therefore dismiss the landlord's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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: April 04, 2013

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Residential Tenancy Branch

