



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Princess Daphne Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction / Background / Evidence

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / retention of the security deposit / and recovery of the filing fee.

The landlord's agent attended the hearing and gave affirmed testimony. Documentary evidence before me is limited to the landlord's on-line application for dispute resolution, and the notice of a dispute resolution hearing.

The landlord testified that there is a written tenancy agreement and that tenancy spanned a period of approximately one year. The tenancy which began in a 1 bedroom unit was later transferred to a 2 bedroom unit. Monthly rent in the 2 bedroom unit was \$740.00, and it was due and payable in advance on the first day of each month. A security deposit in the total amount of \$370.00 was collected by way of two payments: \$315.00 at the start of tenancy in the 1 bedroom unit, and an additional \$55.00 at the time of transfer to the 2 bedroom unit.

The landlord issued a 1 month notice to end tenancy for cause. The landlord testified that the tenant subsequently vacated the unit on or about April 14 or 15, 2013, and did not pay any rent for April.

The landlord filed her application for dispute resolution on April 16, 2013. However, as the tenant did not inform the landlord of his forwarding address, the landlord testified that she was unable to serve him with the application for dispute resolution and the notice of hearing (the "hearing package").

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

In relation to service of an application for dispute resolution, section 89 of the Act speaks to **Special rules for certain documents**. Further, section 71 of the Act addresses **Director's orders: delivery and service of documents**.

As the landlord has been unable to serve the tenant with the hearing package pursuant to any of the provisions set out in the applicable sections of the Act, as above, I find that the landlord's application must presently be dismissed with leave to reapply.

Conclusion

The landlord's application is hereby 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: May 09, 2013

Residential Tenancy Branch