



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wedeb Properties Inc
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, OPR, 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. A Monetary Order for unpaid rent - Section 67;
2. An Order to retain the security deposit - Section 38; and
3. 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 documents were served on the Tenant by registered mail to the rental unit. The Landlord submits that the notice to end tenancy for unpaid rent was posted on the rental unit door on April 2, 2013. The Landlord states that the Tenant vanished a couple of months ago and that over a month ago the Landlord reported the Tenant as missing to the police. The Landlord states that the police informed the Landlord that the Tenant was located in a different area of the province but that the Tenant said he would be returning to the unit. The Landlord has no idea if the Tenant has returned or not.

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*].

Based on the Landlord's evidence that the Tenant has been gone for some time and does not know whether the Tenant has returned to the unit, I find that the Landlord has not substantiated that the Tenant continues to reside at the unit or was residing at the unit when either the Notice or the Application was served. As a result, I cannot find that service of either the Notice or the Application has been accomplished in accordance the Act and I therefore 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 *Residential Tenancy Act*.

Dated: May 08, 2013

Residential Tenancy Branch