



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Columbia Property Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, compensation for damage of loss under the Act, to retain all or part of the security deposit, and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The agent for the landlord provided affirmed testimony that after the May 20, 2013 effective date of an undisputed 10 Day Notice to End Tenancy had passed the tenant vacated. The tenant had moved out by May 25, 2013.

On May 23, 2013 the tenant had been served with copies of the Application for Dispute Resolution and Notice of Hearing, to the rental unit address, sent via registered mail. The tenant did not retrieve the mail. A Canada Post tracking number and receipt was provided as evidence of service.

As the tenant no longer resided in the rental unit on what would have been the deemed service date of the registered mail; May 28, 2013, I find that service is not proven. The tenant did not claim the mail. Therefore, in the absence of evidence of service to the tenant at an address where he resides, I find that the application is dismissed with leave to reapply within the required time-frames allowed by the legislation.

Conclusion

The application is dismissed with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 20, 2013

Residential Tenancy Branch