



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MND, MNR, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the landlord only.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on March 13, 2013 to the dispute address. The tenant had vacated the rental unit on January 2, 2013.

Section 89 requires that an Application for Dispute Resolution, 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; or
- e) As ordered by the director under Section 71(1).

As per the landlord's evidence and testimony I find the landlord has served the tenant the Application for Dispute Resolution and her evidence to an address that the tenant does not reside at or to an address that was not given to the landlord as a forwarding address.

For this reason, I find the landlord has failed to serve the tenant with her Application for Dispute Resolution in accordance with the requirements under Section 59(3) or the service methods requirements of Section 89.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for damage to the rental unit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 37, 44, 67, and 72 of the *Act*.

Conclusion

Based on the landlord's failure to serve the tenant with notice of this hearing I dismiss the landlord's 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: June 06, 2013

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Residential Tenancy Branch

