



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MND; MNSD; MNR; MNDC; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for damages and unpaid rent or utilities; compensation for damage or loss under the Act, regulation or tenancy agreement; to apply the security deposit towards his monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlord RF gave affirmed testimony at the Hearing.

Preliminary Matters

At the outset of the Hearing, it was determined that the Tenant moved out of the rental unit on April 1, 2013. Therefore, the Landlord's application for an Order of Possession was dismissed.

RF's Application was filed on May 6, 2013. Corrections were needed and a caution given with respect to adding details of the dispute on his Application form. RF testified that on May 7, 2013, he provided the Government Agent with an amended Application for Dispute Resolution and copies of documents, including receipts and the Notice to End Tenancy. I advised RF that the amended Application was not on the file, nor were there any copies of documentary evidence.

RF stated that he served the Tenant with the Notice of Hearing documents and copies of his documentary evidence by registered mail to her new residence. RF stated that he sent the documents to an address that he was given on Facebook, but they were returned to him. The Tenant did not sign into the Hearing.

Section 89(1)(c) of the Act allows service of an Application for Dispute Resolution to be made by sending a copy by registered mail to the address at which the person resides. The Landlord did not provide sufficient evidence that the Tenant resides at the address the documents were sent to.

For the reasons provided above, I dismiss the Landlord's application **with leave to reapply**.

Conclusion

The Landlord's application is **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: July 30, 2013

Residential Tenancy Branch