



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, compensation for damage or 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 landlord provided affirmed testimony that on June 12, 2013 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail to the rental unit address. The tenant vacated the rental unit on June 15, 2013 and the registered mail was returned to the landlord on today's date, marked as unclaimed.

As the registered mail would have been deemed served on the 5th day after mailing, I find that service has failed. By the 5th day, June 17, 2013, the tenant had vacated the rental unit and no longer resided at the address. Further, the mail was not claimed. Therefore, as service occurred to an address where the tenant no longer resides and, as the tenant did not claim the mail, I find that the tenant has not been served with Notice of the hearing and that the application is dismissed with leave to reapply within the legislated time-frames.

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: July 10, 2013

Residential Tenancy Branch

