



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: **MNR, MNSD, FF**

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord requested compensation for unpaid rent, 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 April 26, 2013 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail. A Canada Post tracking number, receipt and tracking formation was provided as evidence of service. The tracking information showed that the mail had been accepted on April 29, 2013. The landlord agreed that the signature of the individual who accepted the mail did not match that of the tenant.

The mail had been sent to the address provided at the time the tenancy agreement was signed by the tenant; the tenant had given the landlord his business card that included an address.

As the mail was not delivered to the tenant's residential address, as required by section 89 of the Act, and, as the signature indicated did not match that of the tenant, I was unable to find that service had been sufficiently completed.

Therefore, the application is dismissed with leave to reapply within the required legislated time-frame.

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 19, 2013

Residential Tenancy Branch