



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Courtenay Kiwanis Village Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND MNR MNDC FF

Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution, seeking a monetary order for damage to the unit, site or property, for unpaid rent or utilities, for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the filing fee.

Two agents for the landlord (the "agents") attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The agents testified that the Notice was mailed via registered mail on April 9, 2013 to a new address for the tenant that was received from their accountant, who in turn may have received that information from another person. The agents testified that they did not have personal knowledge that the tenant was residing at the address where the registered mail package was addressed to. The male agent stated that the tenant's vehicle had been seen outside the new address location, however, the agents did not submit any witness statements prior to the hearing or present any witnesses during the hearing to support that the tenant had been seen at the new address.

Residential Tenancy Branch Policy Guideline #12 Service Provisions requires that where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant. Based on the above, **I find** the tenant has not been served in accordance with Policy Guideline #12 as **I find** that a vehicle located outside a residence is not sufficient proof that the tenant is residing at that address.

Both parties have a right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing. Therefore, **I dismiss** the landlord's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The landlord's application is dismissed with leave to reapply due to service issue.

This decision does not extend any applicable time limits under the *Act*.

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 26, 2013

Residential Tenancy Branch