



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

The Tenant did not appear at the Hearing. The Landlord stated that the application for dispute resolution (the “Application”) and Notice of Hearing was served on the Tenant by registered mail on July 12, 2013. The Landlord also stated that on June 28, 2013 the Tenants paid for the June 2013 rent and told the Landlord that they would be out of the unit by the end of June 2013. The Landlord states that despite trying to contact the Tenants, no communication has been had since June 28, 2013. The Landlord states that they entered the unit on July 23, 2013 and found that the unit was abandoned.

The Act provides the following requirements for service of the Application

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Given the Landlord's evidence that the Tenants informed the Landlord that they would be moved out of the unit by June 30, 2013, I find on a balance of probabilities that the Tenants no longer resided at the unit when the Landlord mailed the application for dispute resolution and notice of hearing. As a result I cannot find that service has been accomplished in accordance with Section 89 of the Act and I therefore dismiss the 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: August 19, 2013

Residential Tenancy Branch