



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding David Burr Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order of possession for unpaid rent or utilities, a monetary order for unpaid rent or utilities, for authorization to keep all or part of the pet damage deposit or security deposit, and to recover the filing fee.

An agent for the landlord (the "agent") attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") was considered. The agent testified that the Notice of Hearing was mailed via registered mail to the tenant and addressed to the rental unit addressed on September 20, 2013. A tracking number was provided as evidence. The agent testified that the tenant was last seen at the rental unit as of September 5, 2013 and that the rental unit has been deemed abandoned as of September 5, 2013. The agent stated that the online tracking information from the postal website indicates that the registered mail package and evidence was returned to the landlord indicating that the tenant was not located at the address provided on the registered mail package.

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. The agent stated testified that the rental unit was deemed abandoned as of September 5, 2013, yet the registered mail package was delivered to the rental unit address on September 20, 2013, fifteen days after the rental unit was deemed abandoned by the landlord. Therefore, **I find** the tenant has not been served in accordance with Policy Guideline #12.

Both parties have a right to a fair hearing and 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 a 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: October 28, 2013

Residential Tenancy Branch

