



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Swift Creek Motel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR FF O

Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for a monetary order for unpaid rent or utilities, to recover the filing fee, and "other" which according to the application is for expenses related to towing a vehicle.

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 however the tenant was not sure of the date the registered mail was mailed and did not have the tracking number to provide orally during the hearing. The agent stated that she filed the registered mail information with her accountant and as a result, did not have that information during the hearing.

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. Without the date and registered mail tracking number, I am not satisfied that the tenant was sufficiently served with Notice of the Hearing in accordance with the *Act*.

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 24, 2013

Residential Tenancy Branch

