



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR 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, and to recover the filing fee.

The landlord attended the hearing. As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The landlord testified that the Notice was mailed via registered mail on August 27, 2013 to the Box number where the landlord said he saw the tenants getting their mail at the post office. A tracking number was provided as evidence. The landlord testified that when he tracked the registered mail online via the postal tracking website, the registered mail package showed as being "unclaimed". In addition, the landlord stated that the registered mail package was returned to him and was marked as "unclaimed". The landlord testified that the tenants have not provided their written forwarding address, even though the tenants vacated the rental unit on or about August 30, 2013.

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 tenants reside at the time of mailing, or the forwarding address provided by the tenants. The landlord stated that the tenants vacated the rental unit on August 30, 2013 and the address on the landlord's application is the rental unit address. The landlord indicated that he had nothing in writing to confirm that the tenants were using the post office box that he witnessed them using at the post office. Therefore, **I find** the tenants have not been served in accordance with Policy Guideline #12.

Both parties have the right to a fair hearing and the tenants 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*.

For the benefit of both parties, I am including a copy of *A Guide for Landlords and Tenants in British Columbia* with my Decision.

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 07, 2013

Residential Tenancy Branch

