



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR

Introduction / Background / Evidence

This hearing was scheduled in response to the landlord's application for a monetary order as compensation for unpaid rent or utilities. The landlord and a person assisting him attended, and the landlord gave very limited affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenant did not appear. Documentary evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, however, the Canada Post website informs that the item was "unclaimed by recipient."

Documentary evidence also includes a copy of the tenancy agreement for the period from August 1, 2012 to July 31, 2013. The agreement reflects that monthly rent of \$3,500.00 is due and payable in advance on the first day of each month. Further, the agreement documents that a security deposit of \$1,750.00 and a pet damage deposit of \$1,750.00 were collected. The landlord testified that the tenant vacated the unit on July 31, 2013. In short, the landlord seeks reimbursement of utilities in the total amount of \$1,131.79. A "metered utility statement" submitted in evidence documents that this cost arises out of the 3 month period from April 1, 2013 to June 30, 2013.

The final disposition of the security and pet damage deposits when tenancy ended is unknown. Additionally, it is not clear how the landlord determined the forwarding address for the tenant, and I am therefore unable to satisfy myself that the hearing package was served in compliance with section 89 of the Act, which speaks to **Special rules for certain documents**. In the result, I find that the landlord's application must be dismissed with leave to reapply. In the event that the landlord does reapply, the landlord is encouraged to request a face-to-face hearing.

Conclusion

The landlord's application is hereby dismissed 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: November 26, 2013

Residential Tenancy Branch

