



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PINNACLE INTERNATIONAL REALITY GROUP 2
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNR, MNSD, OPR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows.

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to keep the security deposit – Section 38
3. An Order of Possession – Section 55
4. An Order to recover the filing fee for this application - Section 72.

The landlord attended the conference call hearing but the tenant did not. The landlord testified that they sent the tenant the notice of Hearing package by registered mail to the dispute address - which the tenant had vacated 1 month before. A forwarding address was not provided by the tenant and the landlord does not know the tenant's whereabouts. The landlord did not employ other means to serve the tenant and further did not provide any required document evidence in support of their claims.

Section 89 of the Act states as follows **(emphasis for ease)**

Special rules for certain documents

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*].

I am not satisfied the tenant was served with notice of this hearing pursuant to Section 89 of the Residential Tenancy Act, or that the tenant is aware of this proceeding.

Therefore, **I dismiss** the landlord's application, but I do so with leave to reapply. None of the potential merits of this application were heard.

Conclusion

The landlord's application **is 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 20, 2013

Residential Tenancy Branch

