Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNR, MNSD, FF

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for unpaid rent, damage to the rental unit, and authorization to retain the tenant's security deposit. The tenant did not appear at the hearing. The landlord testified that she sent the hearing package to the tenant at his place of work via registered mail. The landlord testified that an employee of the organization (not the tenant) signed for the registered mail package. The landlord also left the landlord's evidentiary material with the security personally at the tenant's place of work. The landlord confirmed that she had not spoken with the tenant or otherwise received any confirmation that the tenant received the hearing documents.

Section 89 of the Act provides for ways a party must serve an Application for Dispute Resolution upon the other party. Residential Tenancy Policy Guideline 12 provides further information with respect to service requirements. Based upon the landlord's submissions, I was not satisfied that the landlord served the tenant in a manner that complies with section 89 of the Act and that it would be contrary to the principles of natural justice to continue to hear from the landlord without the tenant present. Therefore, I dismissed the landlord's Application 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 06, 2013

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Residential Tenancy Branch