



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MND, MNR, MNSD, FF

The Tenant did not appear at the hearing. The Landlord states that the application and notice of hearing was sent to the Tenant's last known address as the Tenant moved out of the unit sometime between October 3 and October 22, 2012, did not leave a forwarding address and the Landlord was unable to contact the Tenant to determine the Tenant's new address.

The Act provides the following requirements for service of the Application:

**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*].

As the Landlord did not serve the documents either with the Tenant, at the Tenant's residence or to the forwarding address provided by the Tenant, I find that the Landlord did not accomplish service in accordance with Section 89 of the Act and I therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

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: December 09, 2013

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Residential Tenancy Branch

