



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for damage to the rental unit and authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord submitted that the tenant did not provide a forwarding address but through her own research was able to locate a new address for the tenant. The landlord testified that she sent the hearing documents to the tenant at that new address via registered mail. The landlord was unable to locate the registered mail receipt or provide a registered mail tracking number.

Residential Tenancy Policy Guideline 12: *Service Provisions* provides information about service requirements. As stated in the policy guideline, where the respondent does not appear at a hearing, the applicant must be prepared to prove service under oath. Proof of service by registered mail should include the original receipt given by the post office and should include the date of service, the address of service, and that the address of service was the person's residence at the time of service. Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply.

In the circumstances before me, I find the landlord did not prove service of the hearing documents upon the tenant. I dismiss 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: December 18, 2013

Residential Tenancy Branch

