Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MND, MNR, MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for damage to the unit; unpaid rent or utilities; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. The tenants did not appear at the hearing.

The landlord's agent testified that the rental unit was found vacant on February 2, 2014 and a note left for the landlord without a forwarding address. The landlord sent the hearing documents to the tenants at the rental unit address on February 14, 2014 and the registered mail was returned to the landlord as unclaimed.

Where a landlord seeks a Monetary Order against a tenant, the landlord must serve each named tenant with the hearing package in a manner that complies with section 89(1) of the Act. The purpose of serving a hearing package upon a respondent is to put the respondent on notice as to the claims being made against them and the opportunity to respond to the allegations, in keeping with the principle of natural justice.

Section 89(1) of the Act provides that hearing documents must be served upon the tenant either: (a) personally; (b) by registered mail sent to the tenant's address of residence at the time of mailing or the tenant's forwarding address; or (c) as ordered by the Director.

I find that by sending the hearing documents to the tenant by registered mail using the rental unit address after they vacated the rental unit does not meet the requirements of the section 89(1) of the Act. Therefore, I declined to hear this Application for Dispute Resolution and I dismissed it with leave to reapply within the time limits established under the Act.

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: May 29, 2014

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Residential Tenancy Branch