



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPB MNR MNSD FF

Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution, seeking an order of possession for unpaid rent or utilities, an order of possession for breach of an agreement with the landlord, a monetary order for unpaid rent or utilities, authorization to keep all or part of the security deposit or pet damage deposit, and to recover the filing fee.

The applicant landlord, "AS", and her husband, "SS" attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and the Application for Dispute Resolution (the "Application") were considered. The landlord testified that the Notice of Hearing and Application were mailed via registered mail to the tenant at the rental unit address on March 15, 2014. A tracking number was provided as evidence. The landlord testified that the registered mail package was returned to sender, which is supported by the Canada Post registered mail tracking website. The landlord testified that the tenant has not lived at or has been seen at the rental unit since January 25, 2014.

Residential Tenancy Branch Policy Guideline #12 - Service Provisions requires that where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant. In the matter before me, the landlord confirmed that the tenant has not lived at or has been seen at the rental unit address since January 25, 2014. Therefore, **I find** the tenant has not been served in accordance with Policy Guideline #12 as I am not satisfied that the tenant was residing at the rental unit address at the time the landlord mailed the tenant the registered mail package, based on the testimony of the landlord.

Both parties have a right to a fair hearing and the tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and the

landlord's Application. Therefore, **I dismiss** the landlord's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The landlord's application is dismissed with leave to reapply, due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

For the benefit of both parties, I am including a copy of *A Guide for Landlords and Tenants in British Columbia* with my Decision.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 1, 2014

Residential Tenancy Branch

