



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNSD, MNR, MNDC, MND, FF

### **Introduction**

This is the Landlord's application for a Monetary Order for unpaid rent, damages and loss of revenue; to apply the security deposit towards its monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing. The Tenant did not sign into the teleconference, which remained open for 15 minutes.

### **Preliminary Matters**

The Landlord's agent testified that he mailed the Notice of Hearing documents, by registered mail, to the Tenant on February 18, 2014. He stated that the documents were returned, unclaimed.

The Landlord's agent testified that the Tenant abandoned the rental unit on or about October 31, 2013, without leaving a forwarding address. He stated that he searched Facebook and found a public profile, which provided the Tenant's new address. The Landlord's agent testified that he drove by the address and saw the Tenant's van parked there. The Landlord's agent stated that a subsequent drive-by revealed that the house is no longer occupied and is in a state of demolition.

The Landlord's agent stated that he also e-mailed the Notice of Hearing documents to the Tenant, but that he received no response to his e-mail.

Section 89(1)(c) of the Act allows service of an Application for Dispute Resolution to be made by sending a copy by registered mail to the address at which the person resides. Based on the Landlord's agent's testimony, I find that there is insufficient evidence that the documents were sent to the Tenant's residence and therefore, the Landlord has not provided proof that the Tenant was served with the Notice of Hearing documents. There is no provision in Section 89 of the Act for service of documents by e-mail.

Therefore, I dismiss the Landlord's application with leave to reapply.

**Conclusion**

The Landlord's application is **dismissed, with leave to reapply**. This does not extend any existing time limits that may apply.

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: June 06, 2014

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Residential Tenancy Branch