



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, MNR, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent, loss of income, unpaid utilities, late fees, interest on unpaid balances and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the claim.

The landlord stated that the tenant moved out sometime at the end of January 2014, without informing him and left the unit in a condition in which it could not be re rented. The landlord found out that the tenant had moved out when he visited the rental unit on January 28, 2014 and found it vacant. The tenant did not provide a forwarding address.

The landlord served the tenant with a copy of this application, a notice of hearing and an evidence package, by registered mail on February 10, 2014. However, since the landlord did not have a forwarding address for the tenant, he served the package to the last known address for the tenant. The tenant did not attend the hearing.

Issue to be Decided

Was the tenant served with the notice of hearing pursuant to Section 88 of the *Residential Tenancy Act*? If so, is the landlord entitled to his monetary claim?

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I find that the landlord served the hearing package to an address that was provided to the landlord at the start of the tenancy and which was the last known address for the tenant.

Since the tenant did not provide a forwarding address, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

Conclusion

The landlord's application is dismissed 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: May 22, 2014

Residential Tenancy Branch

