



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the “Act”), and deals with an Application for Dispute Resolution by the Landlord for:

1. An Order of Possession – Section 55; and
2. A Monetary Order for unpaid rent – Section 67.

The Landlord submitted an affidavit for the service of the Notice of Direct Request Proceeding that includes the Application. This affidavit indicates that the documents were served by registered mail on June 30, 2014. The receipt for the registered mail indicates that the mail was sent June 27, 2014 to the rental unit. The Landlord submits in the Application dated June 26, 2014 that the Tenant is “no longer in the rental suite”.

Section 89 of the Act provides that an application by a landlord must be given to the tenant in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Based on the Landlord's evidence that the Tenant is no longer in the rental unit, I find that by serving the Application to the address of the rental unit the Landlord has not met the requirements for registered mail service to the address at which the Tenant resides. I therefore dismiss the 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: July 18, 2014

Residential Tenancy Branch