



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Columbian Centennial Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes            OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain an Order of Possession due to unpaid rent, a Monetary Order for unpaid rent, an Order to keep the tenant's security deposit and to recover the cost of the filing fee.

The landlord's agent testified that the tenant was served the hearing documents by Registered Mail on May 12, 2014 to the dispute address. However, the landlord also states that the Police informed the landlord that the tenant abandoned the rental unit prior to or after this date. The landlord's agent also testified that the tenant had not been seen at the rental unit for a month and had failed to pay rent at the unit for April, May and June, 2014

### Analysis

Section 89 of the *Act* states that hearing documents must be given in one of the following ways:

- 89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given 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*].

The landlord's evidence shows that the documents were sent by Registered Mail to the tenant's unit potential after the tenant had abandoned the rental unit. Consequently, I am unable to determine that the tenant was sufficiently served for the purposes of the *Act*.

Section 12 of the Residential Tenancy Policy Guidelines states: Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply.

If the landlord is satisfied that the tenant has abandoned the rental unit from information received from the police ; The landlord may deal with the tenant's abandoned belongings in accordance with section 25 of the Residential Tenancy Regulations.

### Conclusion

To find in favour of an application, I must be satisfied that the rights of all parties have been upheld by ensuring the parties have been given proper notice to be able to defend their rights. In the absence of proof that the tenant was served with the hearing documents in accordance with the section 89 of the *Act*, I dismiss the landlord's 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: June 30, 2014

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Residential Tenancy Branch

