



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, MND, MNDC, OLC, FF

### Introduction

This hearing was convened in response to applications by the landlord and the tenant.

The landlord's application is seeking orders as follows:

1. For a monetary order for damage to the unit;
2. For a monetary order of money owed or compensation under the Act;
3. To keep all or part of the security deposit; and
4. To recover the cost of filing the application.

The tenant's application is seeking orders as follows:

1. To cancel a 10 Day Notice to End Tenancy for Unpaid Rent or ;
2. For a monetary order for money owed or compensation under the Act;
3. To have the landlord comply with the Act, regulation or tenancy agreement; and
4. To recover the cost of filing the application.

### Tenant's application

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 11:10 A.M, and the landlord appeared and was ready to proceed, I dismiss the tenant's application without leave to reapply.

### Landlord's application

The landlord's agent attended the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice") was considered. The landlord testified that he mailed the Notice to the rental unit address by registered mail after the tenant vacated the premises. The agent stated the tenant did not provide a forwarding address.

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. As the tenant was not residing at the rental unit at the time of mailing and this was not a forwarding address provided by the tenant. **I find** the tenant has not been served in accordance with Policy Guideline #12.

The tenant has a right to a fair hearing and would not be aware of the landlord's application without having received notice. Therefore, **I dismiss** the landlord's application with leave to reapply. I note this does not extend any applicable time limits under the Act.

### Conclusion

The tenant's application is dismissed without leave to reapply.

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: July 29, 2014

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Residential Tenancy Branch

