



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CONCERT REALTY SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for unpaid rent, for money owed or compensation under the Act and an order to retain the security deposit in partial satisfaction of the claim.

The landlord's agent appeared. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on March 10, 2014, a Canada post tracking number was provided as evidence of service. The Canada post track history indicates the package is "in transit".

The landlord's agent stated that the address the documents were sent to in March is located in the Philippines and that this is a business address for the tenant. The landlord's agent stated that this address was not provided by the tenant, it was received from an occupant and the occupant was not acting as the tenant's agent.

Under section 89(1)(d) if the person is a tenant, documents may be sent by registered mail to a forwarding address provided by the tenant. In this case, the landlord received the Philippines business mailing address from the occupant, not the tenant or the tenant's agent.

As a result, I find that the address provided by the occupant was not provided by the tenant as required under the Act and I am not satisfied that the tenant has been served in accordance with section 89 of the Act. Therefore, I dismiss the landlord's application with leave to reapply.

Conclusion

As I have found the tenant has not provided the landlord with their forwarding address in writing as required. I dismiss the landlord's application with leave to reapply due to service requirements under the Act.

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 19, 2014

Residential Tenancy Branch

