



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CONNAUGHT MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MND, MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for unpaid rent or utilities; damage to the rental unit; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord had submitted a registered mail receipt indicating hearing documents were sent to the tenant on April 16, 2014. The landlord testified the registered mail was returned as unclaimed. I heard that the address used to send the hearing documents to the tenant was obtained by the landlord performing a reverse search of the telephone number of the tenant's mother, his emergency contact which he provided on the tenancy application. The landlord also submitted that at the move-out inspection the tenant refused to provide the landlord with a forwarding address.

Under the Act, an Application for Dispute Resolution must be served in a manner that complies with section 89 of the Act. Where a landlord chooses to use registered mail to serve a tenant, the registered mail must be sent to the tenant using an address that is either: the tenant's address of residence at the time of mailing; or, the forwarding address provided by the tenant.

As provided in Residential Tenancy Policy Guideline 12: *Service Provisions* where the respondent does not appear at a hearing, the applicant must be prepared to prove service. Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply. Proof of service by registered mail should include the original receipt given by the post office and should include the date of service, the address of service, and evidence that the address of service was the person's residence at the time of service or forwarding address provided by the tenant.

Based upon the submissions before me, I find I am unsatisfied that the address used for service of the landlord's Application for Dispute Resolution was the tenant's address of residence at the time of mailing. Nor, was the address used the tenant's forwarding

address since he did not provide one to the landlord. Therefore, I dismiss this application with leave to reapply within the time limits set by 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: August 13, 2014

Residential Tenancy Branch

