



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND

Introduction

The landlord applies for an order of possession and a monetary award for damages.

The landlord says she has recovered possession and no longer requires an order of possession but claims monetary compensation to restore the apartment.

The tenant did not attend the hearing. The landlord attempted to serve the tenant by registered mail addressed to the dispute address. There is no Canada Post record of the tenant receiving the registered mail. The landlord is aware that the rental unit, a bachelor apartment, is not occupied by the tenant but rather by two persons the tenant has apparently sublet to without the landlord's authority.

Section 89 of the *Residential Tenancy Act* provides that an application for a monetary award must be served on a tenant either in person or by registered mail to the address "at which the person resides." I find that the landlord has not properly served the tenant with this application.

The application is therefore dismissed, with leave to re-apply.

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 08, 2014

Residential Tenancy Branch

