



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NACEL PROPERTIES LTD
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes:

MNR, MNDC, MNSD, MND, FF

Introduction

This Dispute Resolution hearing was held to deal with an Application by the landlord for a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, (the *Act*).

The landlord was in attendance. The tenant did not appear, but the tenant's outreach worker was in attendance.

Preliminary Issue

The landlord testified that the landlord sent the hearing package by registered mail, addressed to the tenant at a forwarding address provided by the tenant and the applicant provided a Canada Post receipt to confirm service by registered mail.

Section 90 of the Residential Tenancy Act determines that a document sent by registered mail is deemed to have been served in 5 days.

However, the tenant's outreach worker testified that the address where the mail was sent was that of the organization where the outreach worker was employed and the package did not reach the tenant who has since relocated to an unknown address.

Given the above, I find that the matter under dispute cannot proceed because the landlord has not proven that the tenant was properly served. Accordingly, I dismiss this application with leave to reapply at a later date should the landlord wish to do so, once a service address has been located for the respondent.

Conclusion

The landlord is not successful in the application as the hearing could not proceed due to no proof of service of the hearing documents to the respondent tenant and the matter 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: August 26, 2014

Residential Tenancy Branch

