



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MND FF

### Introduction and Analysis

This hearing dealt with the landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for an order of possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities, for damage to the unit, site or property, and to recover the filing fee.

The landlord and a support for the landlord attended the hearing. The tenant did not attend the hearing. As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") and Application for Dispute Resolution (the "Application") and documentary evidence were considered. The landlord testified that the Notice of Hearing, Application and first documentary evidence package was served on the tenant by registered mail on April 17, 2014 to the new address of the tenant provided by the tenant's sister, M.W.. The landlord testified that the tenant vacated the rental unit as of April 4, 2014, which is prior to this Application dated April 16, 2014. The landlord referred to what the landlord called a transcript of the text message exchange with the sister of the landlord, M.W. and M.W. was not present during the hearing to confirm that she had provided her sister's forwarding address to the landlord and that the address was correct.

According to the Canada Post online registered mail tracking website, a person other than the tenant, A.W., signed for the registered mail package. There was no evidence presented that tenant K.W. was served in accordance with section 89 of the *Act*. Section 89 of the *Act* reads in part that an application for dispute resolution must be given in one of the follow ways, which includes (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant. Furthermore, the landlord has not applied for an order for substituted service pursuant 71 of the *Act*.

Both parties have the right to a fair hearing. The tenant would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and

Application. Therefore, I **dismiss** the landlord's application **with leave to reapply** as I am not satisfied that the tenant has been sufficiently served with the Notice of Hearing and Application in a manner provided for under the *Act*. I note this decision does not extend any applicable time limits under the *Act*.

### Conclusion

The landlord's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 7, 2014

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Residential Tenancy Branch

