



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order authorizing her to retain the security deposit.

At the hearing, the landlord testified that the tenant vacated the rental unit on July 22 and that the landlord served the application for dispute resolution and notice of hearing (the "Hearing Documents") via registered mail sent to the rental unit on July 23.

S. 89(1) of the Act provides that service of Hearing Documents by registered mail to a tenant must occur by sending the documents to the address at which the tenant resides or to the forwarding address provided by the tenant. As the tenant had vacated the unit prior to the time the landlord mailed the Hearing Documents, I find that the landlord has not properly served the documents and I am not satisfied that the tenant has notice of the claim against her.

For this reason, I dismiss the claim 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: September 23, 2014

Residential Tenancy Branch

