



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      OPR, MND, MNR, MNDC, FF

### **Introduction**

This hearing dealt with an application by the landlord for an order of possession, and for a monetary order for unpaid rent, cost of repairs and the filing fee.

The landlord stated that the tenant moved out on August 19, 2014 without notice. The tenant left a note for the landlord which stated that she had moved out of Province and would call back with her new address and phone number once she was settled in. The tenant did not call back to provide a forwarding address.

The landlord found out from the local post office that the tenant's mail was being forwarded to her new address and therefore served the tenant with a notice of hearing package, by registered mail on September 19, 2014, to the dispute rental address. The package was returned to the landlord "unclaimed" and the tenant did not attend the hearing.

### **Issue to be Decided**

Was the tenant served with the notice of hearing pursuant to Section 88?

### **Analysis**

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents.

The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I find that the landlord served the tenant at the address of the dispute rental unit, based on the information she received from an employee at the local post office, one month after the tenant had moved out.

Since the package was returned to the landlord, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

**Conclusion**

The landlord's application 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: November 07, 2014

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Residential Tenancy Branch

