



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC IMC Realty Corporation o/a Panarama Tower  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNSD, MNDC, FF

This hearing was convened to address a claim by the landlord for an order of possession, a monetary order and an order claiming against the security deposit.

At the hearing, the landlord testified that she served the tenant with her application for dispute resolution and notice of hearing by sending those documents to the tenant at the rental unit via registered mail on September 17, 2014. She further testified that on September 19, she discovered that the tenant had abandoned the rental unit.

S. 90(a) of the Act provides that when documents are sent by mail, they are deemed received 5 days later. Because the tenant had vacated the unit by at least September 19, just 2 days after the documents were mailed, I was unable to find that he received notice of the claim against him and therefore declined to proceed with the hearing.

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: November 04, 2014

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Residential Tenancy Branch

