



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, O, MND, MNR, MNDC, FF

Introduction

In the first application the tenant seeks to recover damages alleging a breach of the covenant for quiet enjoyment and alleging harassment at the hands of the landlord.

In the second application the landlord seeks a monetary award for unpaid rent and damages for cleaning and repair to the suited.

The tenant did not attend the hearing. The landlord's representative attended and was ready to proceed. The tenant's application is therefore dismissed, without leave to reapply.

The landlord has not served the tenant in accordance with s. 89 of the *Residential Tenancy Act*. The landlord entered the suite on November 20, 2014 under emergency conditions to stem an apparent water leak into the common area below the tenant's suite. It was discovered on that day that the tenant had left and was no longer residing at the premises. The landlord issued its claim on December 1, 2014 and sent the application and notice of hearing to the tenant by registered mail addressed to the dispute address.

Section 89 provides that a landlord may serve a tenant with an application for a monetary award by sending it by registered mail "to the address at which the person resides." The tenant was not residing at that address at the time the mail was sent, nor did she claim the mail. It is in the process of being returned to the landlord by the post office.

As a result, the landlord's claim is dismissed with leave to re-apply. I reserved the claim for recovery of the landlord's filing fee for this application to the discretion of the arbitrator who might hear such a re-application in the future.

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: December 16, 2014

Residential Tenancy Branch

