



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC MNDC MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67 for damages to the property;
- b) To retain the security deposit to offset the amount owing;
- c) An Order of Possession pursuant to sections 47 and 55; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE

The tenant did not attend. The landlord gave evidence that she served the Notice to End Tenancy by posting it on the door and the Application for Dispute Resolution by registered mail. However, the postal service tracking information is that the "Recipient is not located at address provided". I find that the tenant has not been served with the Application/Notice of Hearing as required by section 89 of the Act.

Analysis

As discussed with the landlord in the hearing, a person must be given notice of a claim against them. I find the tenant was not served as required by section 89 of the Act as she was not at the address to which the registered mail was sent. The landlord has made attempts to handle this matter but the tenant has gone. I directed her to section 39 of the Act and also to the legislated time limits to bring an Application in section 60.

Conclusion:

I dismiss the Application of the landlord due to lack of service and give her leave to reapply within the legislated time limits.

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: January 15, 2015

Residential Tenancy Branch

