



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter suppressed to protect privacy]

## **DECISION**

Dispute Codes          mnr, mndc, mnsd, ff

This hearing did not proceed because the landlord has not met the burden of proving that they served the tenant with the notice of hearing. The notice of hearing was apparently sent to the tenant's new address by way of courier, however there is no evidence to show that the tenant ever got the notice, or became aware of this hearing.

The Residential Tenancy Act states:

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

### **Conclusion:**

The landlord has not proven that the tenant was properly served. This application is dismissed with leave to re-apply.

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: March 03, 2015

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Residential Tenancy Branch

