



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MND, MNR, MNSD, FF, SS

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- an order to be allowed to serve documents or evidence in a different way than required by the Act pursuant to section 71; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 1116 in order to enable the tenant to connect with this teleconference hearing scheduled for 1100. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord testified that he served the tenant with the dispute resolution package on 12 February 2015 by registered mail. The landlord testified that he served the tenant at the address of the rental unit. The landlord testified at the hearing that the tenant refused to pick up the registered mailing. On this basis, and after hearing the remainder of his testimony, I had told the landlord that he was successful in his application; however, the landlord provided me with the tracking history that shows that the item was returned to sender because **the address on the mailing was incomplete**. After reviewing the documentary evidence I am unable to find that the landlord has shown he has served the tenant with notice of this hearing in accordance with section 89(1) of the Act. Accordingly, the landlord's claim is dismissed with leave to reapply.

The landlord may reapply. The landlord should familiarize himself with his service obligations under the Act pursuant to section 89 of the Act. The landlord may find *Residential Tenancy Policy Guideline*, “12. Service Provisions” helpful.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: March 06, 2015

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Residential Tenancy Branch

