



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Northside Development LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNSD, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession, a monetary order for unpaid rent, to retain the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The agent for the landlord provided affirmed testimony that on February 24, 2015 copies of the Application for Dispute Resolution and Notice of Hearing were sent to each tenant at the rental unit address. The registered mail was returned to the landlord as undelivered.

The landlord confirmed that the tenants vacated the rental unit; the landlord was not sure of the date the tenants vacated. The landlord was provided with considerable time to establish the date the locks to the rental unit were changed. During the hearing the landlord called the locksmith company that was used and was able to determine that the locks to the rental unit were changed on February 27, 2015.

Section 90 of the Act determines mail is deemed served on the 5th day after mailing. Mail sent on February 24, 2015 would be deemed served effective February 29, 2015. From the evidence before me I find that the tenants had vacated the unit by the date the locks were changed; February 27, 2015. I cannot find the mail is deemed served for a date after the tenants vacated. Therefore, service cannot be deemed to have occurred to the address where the tenants reside.

Therefore, I find that the application is dismissed with leave to reapply within the legislated time-frame.

Conclusion

Service is not proven. The application is dismissed with leave to reapply within the legislated time-frame.

This decision is final and binding and 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 25, 2015

Residential Tenancy Branch

