



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNDC, MNR, MND, FF, SS*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent, cost of repairs and for the recovery of the filing fee.

The tenant moved out sometime in October 2014, without providing the landlord with a forwarding address. The landlord had the address of the tenant's place of work and therefore applied for substituted service. In a decision dated December 22, 2014, the landlord's application was granted. The decision clearly outlined the evidence that the landlord was required to provide to the Residential Tenancy Branch, to ensure that service of the hearing package to the tenant, was considered sufficiently completed.

The decision stated the landlord has to provide to the Residential Tenancy Branch, the following:

- A copy of the Canada Post receipts and tracking numbers for all packages sent to the tenant;
- A copy of the Canada Post tracking information from the Canada Post web site, showing the mail was received by the tenant's employer; and
- A copy of a signed statement by an employee at the tenant's place of employment, confirming the date, time and place the registered mail was handed to the tenant by that person. This statement should include the name, position and contact information for the person who has given the registered mail to the tenant.

The landlord testified that he sent the package to the tenant by registered mail on January 06, 2015. However the landlord waited until March 24, 2015 which is the day before the hearing to provide a copy of the proof of service to the Residential Tenancy Branch

At the time of the hearing, I did not have before me, the package that the landlord filed into evidence on March 24, 2015. Even if I accepted a tracking number from the landlord during the hearing, the landlord also testified that he had not provided the signed statement of the employee at the tenant's place of employment, as he was required to do.

Issues to be decided

Was the tenant served with the notice of hearing and evidence package? Is the landlord entitled to a monetary order?

Background and Evidence

The landlord testified that as per his successful application for substituted service, he had mailed the hearing package by registered mail on January 06, 2015, to the tenant's place of employment.

The landlord further testified that he had provided a copy of the Canada post receipt, tracking number and tracking information from the Canada Post website to the Residential Tenancy Branch on March 24, 2015.

The landlord testified that he had not provided a signed statement by an employee at the tenant's place of employment, confirming the date, time and place the registered mail was handed to the tenant by that person. This statement was required to include the name, position and contact information for the person who has given the registered mail to the tenant.

Analysis

Based on the sworn testimony of the landlord and in the absence of an appearance by the tenant, I must consider whether the tenant was properly served with the notice of hearing and evidence package.

Pursuant to the decision to allow the landlord to serve the tenant at his place of employment by registered mail, the landlord was required to provide three pieces of evidence to the Residential Tenancy Branch. These documents would be instrumental in determining whether the tenant was considered to have been sufficiently served.

The landlord provided only two of the required documents.

Since the landlord has not complied with the request for all three documents that would be required to consider proper service to the tenant, I am unable to determine whether the tenant was properly served with the hearing package.

Accordingly, the landlord's application is dismissed with leave to reapply. If the landlord wishes to reapply, I allow him to serve the tenant by substituted service as per the decision dated December 22, 2014.

Conclusion

The landlord's application is dismissed with leave to reapply.

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 25, 2015

Residential Tenancy Branch

