



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for the cost of storage of her belongings for the period the tenant occupied the garage, the use of which was not included in the rent. The landlord also applied for the recovery of the filing fee.

The landlord stated that the tenant moved out at the end of August 2014 pursuant to an order of possession that was granted to the landlord at a previous hearing. The tenant did not provide a forwarding address. The landlord made attempts to contact the tenant by phone and text message, but was unable to. The landlord called the cell phone number of the tenant and was informed by the person who answered the call that the tenant had moved out of the country.

At the start of the hearing, the landlord informed me that she had not served the tenant with the notice of hearing package, because her attempts to contact the tenant were unsuccessful. The tenant did not attend the hearing.

Issue to be Decided

Was the tenant served with the notice of hearing pursuant to Section 88?

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

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 27, 2015

Residential Tenancy Branch

