



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, FF

Introduction

This hearing was scheduled to deal with a landlord's application for monetary compensation for damage to the rental unit and authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord testified that she sent the hearing documents to the tenant at his forwarding address via registered mail on September 22, 2014. The landlord had not submitted a copy of the registered mail receipt but orally provided the registered mail tracking number. The landlord stated the registered mail had not been returned to her; however, a search of the registered mail tracking number indicated that the registered mail had been returned to sender and then directed to the "undeliverable mail office" by Canada Post.

Where the respondent does not appear at a hearing, the applicant must be prepared to prove service occurred in a manner that complies with the Act. Proof of service by registered mail should include the original receipt given by the post office and should include the date of service, the address of service, and that the address of service was the person's residence at the time of service, or the tenant's forwarding address. Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply.

I found the evidence before me was insufficient to establish that the tenant was sufficiently served and notified of today's proceeding and I dismissed the landlord's application 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: April 21, 2015

Residential Tenancy Branch

