



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes:** MND; MNR; FF

### **Introduction**

This is the Landlord's application for a monetary award for unpaid rent and damages; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent SK gave affirmed testimony at the Hearing.

SK testified that she served the Tenant with the Notice of Hearing documents by registered mail sent September 25, 2014. She testified that the documents were returned "unclaimed" on October 17, 2014. SK stated that although the Tenant had not provided a forwarding address at the end of the tenancy, SK confirmed that the Tenant's last known address on a credit report for the Tenant was a box number, and that she spoke to the Tenant's mother who confirmed that the Tenant's post office box was still the same number. SK testified that she sent the documents out again by registered mail to the same post office box on March 4, 2015, but that they were returned again "unclaimed".

I asked SK if she had tried to serve the Tenant personally, and she stated that she had not because she doesn't know where the Tenant lives. However, the Landlord's documentary evidence includes reference to the Tenant's place of employment.

I find that the Landlord did not provide sufficient proof of service of the Notice of Hearing documents, pursuant to the provisions of Section 89 of the Act.

In order to make an application for a substituted service Order, a party must first attempt to serve another party in accordance with the service provisions of the Act. In this case, the Landlord has not yet attempted to serve the Tenant by personal service, and therefore I dismissed the Landlord's application with leave to reapply.

### **Conclusion**

I dismiss the Landlord's application **with leave to reapply**. This does not extend any existing time limits that may apply.

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 28, 2015

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Residential Tenancy Branch

