



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) filed on October 08, 2014, for Orders as follows.

1. A Monetary Order for unpaid rent - Section 67
2. An Order to recover the filing fee for this application (\$100.00) - Section 72

The landlord attended the conference call hearing. The tenant did not. The landlord provided oral testimony that they served the Notice of Hearing package by registered mail sent on **May 05, 2015** after receiving the documents on **October 09, 2014**. The landlord testified they sent all documents to the forwarding address of the tenant known to be valid in October 2014. The landlord did not employ any other means to locate the tenant.

Issue(s) to be Decided

Has the tenant been served in accordance with the Act ?
Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenant vacated August 31, 2014. The landlord claims the tenant has not satisfied all rent owed to the landlord. The landlord claims we should have received some document evidence for this matter. The landlord confirmed they recently sent the tenant the notice of Hearing and that the tracking information for the registered mail is that the mail currently resides with the local post office waiting to be accepted.

Analysis

Pursuant to **Section 59** of the Act – an application for dispute resolution must be given to the respondent within 3 days of making the application. In this matter, upon receiving the Notice of Hearing, the landlord was provided with instructions to serve the tenant in accordance with the Act or as soon as possible. If the tenant still resides at the address known to the landlord in October of 2014, the tenant's documents, notifying them of this matter, still reside at the local post office waiting to be accepted and the tenant does not know of this hearing. However, I have not been provided with any evidence in this matter that after 7 months the tenant still resides at the forwarding address known to the landlord. As a result, I am not satisfied the tenant was served with Notice of this hearing pursuant to the Residential Tenancy Act, nor is aware of this claim against them. Therefore, **I dismiss** the landlord's application, **with leave to reapply**.

Conclusion

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

This Decision is final and binding on both parties.

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: May 25, 2015

Residential Tenancy Branch

