



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**    MND; FF

### **Introduction**

This is the Landlord's application for a Monetary Order for damages; and to recover the cost of the filing fee from the Tenant.

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

### **Preliminary Matters**

The Landlord's agent testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were sent to the Tenant, by registered mail, on October 17, 2014. The Landlord's agent provided the Canada Post tracking numbers for the registered mail. The documents were returned to the Landlord on November 10, 2014, unclaimed.

I asked the Landlord's agent how the Landlord knew the Tenant's forwarding address. He stated that he was not certain, but that it "likely came from income assistance". After searching his file, he stated that the Tenant advised the Landlord's administrative assistant of the Tenant's new address and telephone number on February 18, 2013.

I find that the Landlord provided insufficient evidence that the Tenant was duly served with the Notice of Hearing documents pursuant to the provisions of Section 89 of the Act. The Tenant's address was provided, not in writing, more than two years ago.

The Landlord's agent testified that this tenancy ended on February 4, 2013. Therefore, the legislated time limit for filing an Application for Dispute Resolution with respect to this tenancy has now expired. The Landlord's Application is dismissed.

### **Conclusion**

The Landlord's application is dismissed.

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 28, 2015

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Residential Tenancy Branch

