



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, MND, FF

This hearing dealt with an application by the landlord for a monetary order and an order to retain the security deposit. The landlord testified that she served the tenant with the application for dispute resolution and notice of hearing (the “Hearing Documents”) by sending them to the rental unit via registered mail. She testified that the tenant vacated the rental unit on or about November 20 and that she sent the registered letter to the unit on December 10, 2014. She stated that she contacted Canada Post to determine whether the tenant’s mail was being forwarded to a new address and they confirmed that it was.

Section 89 of the Act requires that when tenants are served with Hearing Documents by registered mail, that mail must be sent to either the address at which the tenant resides or the address which they provided to the landlord as a forwarding address. In this case, the tenant did not provide the landlord with a forwarding address and the landlord has no assurance that the mail is being forwarded to the address at which the tenant resides as opposed to a friend’s home. I found that the landlord had not served the tenant with the Hearing Documents in accordance with the Act and accordingly I dismissed the claim 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: July 13, 2015

Residential Tenancy Branch

