



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNDC, MNSD, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for compensation - Section 67;
3. A Monetary Order for damage to the unit – Section 67;
4. An Order to retain the security deposit - Section 38; and
5. An Order to recover the filing fee for this application - Section 72.

The Tenant did not appear at the hearing. The Landlord states that the Tenants moved out of the unit on December 31, 2014 and that on January 19, 2015 the application and notice of hearing was sent to the Tenants at the address they provided by email on December 24, 2015. The Landlord did not provide a copy of that email and read the email at the hearing. The email, as stated by the Landlord, indicated that the Tenants had not yet found another unit to move into and that they would therefore be staying at their mother’s home temporarily. The Landlord also read the address provided by the Tenants in that email and it is noted that this is not the same address provided in the rental application form as the mother’s address. The Landlord states that the registered mail was rejected by the Tenant’s mother. The Landlord was unable to provide any evidence that at the time of the registered mail the Tenants were residing at the mother’s address.

Section 89 of the Act provides that an application for dispute resolution, where required to be given to a tenant, must be given in one of the following ways:

- by leaving a copy with the person;
- by sending a copy by registered mail to the address at which the person resides;
- by sending a copy by registered mail to a forwarding address provided by the tenant;
- as ordered by the Director.

Given that the address to which the application was sent was provided before the end of the tenancy and was only a temporary address and considering that there is no evidence to support that the Tenants were residing at this address at the time the mail was sent, I am not satisfied that the Landlord's served the Tenants as required under the Act. I therefore dismiss the 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: July 30, 2015

Residential Tenancy Branch

