



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, FF

Introduction

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 damages to the unit - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant did not appear at the hearing. The Landlord served the Tenant with the application and notice of hearing by sending it registered mail to the post office box number located at a city. This address was given to the Landlord from the Tenant at the move-out on March 21, 2014. This city does not have residential mail delivery. The registered mail was returned. Noting that the application was made in November 2014 the Landlord was not able to confirm that that the Tenant was still residing at the city location when the mail was sent.

Section 89 of the Act provides that an application for dispute resolution must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

(d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

While sending the application to a postal box address does not meet the service requirements to a tenant's residence, I accept that this service could be reasonable where there is no residential mail delivery. Considering that several months have elapsed since the provision of this forwarding address, I am not satisfied that the Landlord has provided sufficient evidence that the Tenant continues to reside in the city where the mail box is located and is therefore likely to receive notice of the Landlord's claims. Further taking into account that a box number is not strictly provided for under the Act, I 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 02, 2015

Residential Tenancy Branch

