



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

Dispute Codes      MND MNR MNSD MNDC FF SS

### Introduction

This hearing convened pursuant to the landlord's application for monetary compensation. The landlord called in to the teleconference hearing but the tenant did not.

### Preliminary Issue – Service of Notice of the Hearing

The landlord stated that he made two attempts to serve the hearing package on the tenant. He first sent the package via registered mail to a work address that the tenant had given the landlord at the beginning of the tenancy. This package was returned to the landlord.

The landlord stated that he then texted the tenant, and she texted him back with a different address. The landlord sent the hearing package again by registered mail to the new address. This package was also returned to the landlord. The landlord provided a copy of the returned envelope, on which the following was written: "RTS [return to sender] was accepted in error by person at the address! But not at this address in a long time!" The landlord stated he has attempted to text the tenant again but she has not responded.

I informed the landlord that I could not find that the tenant was served or deemed served with notice of the hearing. It is not reliable to attempt to serve by mailing to a person's place of work, as another person at that location may sign for the mail but not forward the mail to the intended recipient. The landlord did not provide a copy of the text message with the forwarding address the landlord stated that she provided.

I note that the landlord indicated on his application that he also sought an order for substituted service. However, the landlord did not make a separate application for substituted service.

I find it appropriate to adjourn the hearing to allow the landlord to apply for an order for substituted service or otherwise serve the tenant with the hearing package in a way permissible under the Act.

Conclusion

The hearing is adjourned to the time and date set out in the attached notice of hearing.

The landlord must serve a copy of this interim decision and the new notice of hearing on the tenant, either in a method permitted by the Act or an order for substituted service.

The landlord may not amend his application or submit additional evidence, aside from evidence of service. The tenant may submit evidence in response. No further applications by either party should be joined with this application.

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: August 19, 2015

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Residential Tenancy Branch

