



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Capital Properties Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

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

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not appear at the Hearing. The Landlord served the application for dispute resolution and notice of hearing package on the Tenant by registered mail on July 3, 2015. The Landlord had not heard from the Tenant since prior to serving a 10 day notice for unpaid rent to the Tenant on June 6, 2015. The effective date of the notice required the Tenant to move out of the unit by June 16, 2015. This notice was posted on the door. The Landlord believes the Tenant left the unit sometime before the end of June 2015 but left personal belongings and damages in the unit. The Landlord has not heard anything from the Tenant.

The Act provides the following requirements for service of the Application

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, 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*].

As the Landlord served the Application by mailing to the rental unit when the Landlord had reason to believe that the Tenant would no longer be residing at that address, I find that the Landlord has failed to substantiate service as required. I therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

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 31, 2015

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Residential Tenancy Branch

