



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order for compensation for the destruction of her personal belongings and for the recovery of the filing fee. The tenant stated that she served the landlord with the notice of hearing package, by registered mail on May 07, 2015. The package was returned to the tenant.

The tenant testified that the tenancy ended on May 03, 2013 and that she was unable to make this application for almost two years due to her poor health. She testified that she sent the hearing package to the landlord's address which was the service and home address for the landlord during the tenancy. However, the tenancy ended almost two years ago and the landlord has since then moved. Therefore the package was mailed to an address that he no longer resides at. The landlord did not attend the hearing.

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The landlord is entitled to have an opportunity to be heard at the hearing.

Based on the testimony of the tenant, I find that the hearing package was sent to the landlord at an address that he no longer resides at and therefore I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

The tenant's application is dismissed 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: October 06, 2015

Residential Tenancy Branch