



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      FF, MNR, OPL

### Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession pursuant to a 2 month Notice to End Tenancy for landlord use of the residential premises?
- b. A monetary order in the sum of \$4220 for unpaid rent and damages?
- c. An order to recover the cost of the filing fee?

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondents. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached.

I find that the 2 month Notice to End Tenancy was personally served on the Tenants on May 19, 2015.

The landlord testified that the tenants vacated the rental unit on September 1, 2015 and he was not able to serve them personally. The tenants failed to provide the landlord with their forwarding address. He attempted to service the Application for Dispute Resolution/Notice of Hearing by mailing, by registered mail to the address of the rental unit with the hope that the tenants had provided Canada Post with a forwarding address. However, the documents were subsequently returned.

The Residential Tenancy Act provides that where a party wishes to make a monetary claim the Application for Dispute Resolution must be served personally or by registered mail to where the other party resides. The landlord was not able to personally serve the tenants. Further, his attempt to serve by registered mail was not successful as the tenants were not living in the rental unit when he mailed the Application for Dispute Resolution.

Accordingly, **I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply 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: November 02, 2015

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Residential Tenancy Branch