



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent, the cost of cleaning and repairs and for the filing fee.

The landlord stated that the tenant moved out on or about July 01, 2015, without informing the landlord. The tenant did not provide a forwarding address. The landlord found out where the tenant had moved to and sent the notice of hearing to that address, by registered mail. The package was picked up and signed for by someone other than the tenant. The tenant did not attend the hearing.

Issue to be Decided

Was the tenant served with the notice of hearing pursuant to Section 88?

Analysis

Section 88 and section 89 of the *Residential Tenancy Act* address 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 tenant is entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I am not satisfied that the notice of hearing was served in accordance with sections 88 and 89 of the *Act*.

Conclusion

The landlord'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: January 12, 2016

Residential Tenancy Branch

