



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MNR, MND, MNDC, MNSD, FF

### **Introduction**

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

The landlord stated that on March 26, 2015 the tenant sent the landlord an email stating that he was unable to pay rent and had moved out. The tenant did not provide a forwarding address to the landlord.

The landlord served the tenant with a notice of hearing package, by registered mail on July 31, 2015 to the residence of the tenant's parents as indicated in his application to rent the unit. 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 21, 2016

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Residential Tenancy Branch

