



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            OPR, MNR, MDSD & FF

### Introduction

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

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$2025 for unpaid rent
- c. An order to retain the security deposit
- d. An order to recover the cost of the filing fee

The respondent failed to contact the telephone bridge number at the appointed time for the hearing. The applicant was present and ready to proceed. I waited 10 minutes after the appointed time for the hearing and then proceeded with the hearing.

The applicant testified that he attempted to serve the Application for Dispute Resolution/Notice of Hearing by mailing, by registered mail to the rental unit on January 2, 2016. However, by that time the tenant had returned the keys and he was no longer residing in the rental unit. The documents were not picked up by the Applicant.

The Residential Tenancy Act provides that where a party is seeking a monetary order it must be served either by personal service or by registered mail to where the respondent resides or if the respondent is a tenant by registered mail to the respondent's forwarding address.

I determined the landlord has failed to prove that he has sufficiently served the tenant in accordance with the Residential Tenancy Act.

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: February 11, 2016

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Residential Tenancy Branch

