



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. The Application for Dispute Resolution filed by the Tenant seeks an order for double of the rent in the sum of \$1760 as the landlord failed to use the rental unit for the purpose set out in the 2 month Notice to End Tenancy.

The applicant testified he attempted to serve the landlord by mailing, by registered mail to the address set out in the 2 month Notice to End Tenancy dated January 31, 2015. However, the documents were returned with the notation "moved." The tenant testified he does not believe the landlord is aware of this hearing.

The Residential Tenancy Act provides that where a party is making a monetary claim the applicant must serve the respondent in person or by registered mail to where the respondent is residing. The address of service used by the tenant was served on him in January. The tenant filed his application approximately 7 months later. The evidence indicates that the landlord had moved by that time. I determined the tenant failed to prove sufficient service on the landlord.

As a result **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: March 07, 2016

Residential Tenancy Branch

