



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for compensation - Section 67;
3. A Monetary Order for damage to the unit - Section 67;
4. An Order to retain the security deposit - Section 38; and
5. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. The Landlord states that the application for dispute resolution and notice of hearing was sent by registered mail to an address that was on the Tenant’s cheques that were used to pay the rent during the tenancy. The Landlord states that when the Tenant was initially viewing the unit the Tenant informed the Landlord that the address on the cheque was for a unit that was owned by the Tenant but had been rented out. The Tenant did not give the Landlord a forwarding address at the end of the tenancy, the Landlord did not confirm in any way that the Tenant went to reside at the address indicated on the cheques, and the registered mail package was returned to the Landlord.

Section 89 of the Act provides that the application for dispute resolution must be given to a tenant in one of the following ways:

- by leaving a copy with the tenant;

- by sending a copy by registered mail to the address at which the tenant resides;
or
- by sending a copy by registered mail to a forwarding address provided by the tenant.

As there is no evidence of personal service or of service to a forwarding address, given the Landlord's evidence that the application was sent to the Tenant's prior address that had been rented by a third party and given that the Landlord provided no evidence of the Tenant residing at this address at the end of the tenancy, I find that the Landlord has not served the application as required under the Act. The application is therefore 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: August 31, 2016

Residential Tenancy Branch