



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COLUMBIA PROPERTY MANAGEMENT LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, MNND, FF

Introduction

This hearing dealt with an application by the Landlord for an order of possession; a monetary order for rent owed; a monetary order for damage to the unit; to keep the security deposit; and to recover the cost of the filing fee. This matter was set for hearing by telephone conference call at 11:00 AM on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Landlord's agent K.P.

The Landlord's agent K.P. stated that the Notice of Hearing was sent to the Tenants using Canada Post Registered Mail. The Landlord's agent provided the registered mail receipts as evidence of service. The Landlord testified that the Registered Mail was returned to the Landlord as unclaimed. The Landlord testified that she sent the Registered Mail to an address that was provided by the employer of the Tenant W.W.

The Landlord also testified that she spoke to the Tenant P.S. on August 26, 2016, and the Tenant refused to provide the Landlord with her new address.

The address to which the Landlord sent the Notice of Hearing was not an address that was provided to the Landlord by either Tenant. In the circumstances, I find that it is not reasonable to conclude that the Tenants reside at the address where the documents were sent, and consequently the deemed received provisions under section 90 of the Act do not apply.

I find that the Tenants have not been properly served with the Notice of Hearing. 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: September 22, 2016

Residential Tenancy Branch

