



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

#### **MNR**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent in the sum of \$11,700.00.

The landlord provided affirmed testimony that the tenant vacated the rental unit on April 15, 2016. The tenant has refused to supply a written forwarding address.

The landlord applied for dispute resolution on April 12, 2016.

On April 13, 2016 the landlord served the tenant the hearing documents, via registered mail sent to the rental unit address.

Registered mail is deemed served on the fifth day after mailing. The mail was not retrieved by the tenant.

As explained during the hearing, as the tenant had vacated on April 15, 2016 the tenant was no longer residing at the address used for service on the deemed service date of service; April 18, 2016.

Section 89 of the Act requires service of a monetary claim to an address where the tenant resides; personal service or to an address provided by the tenant.

As the tenant was not served to an address where she resided, service cannot be deemed. Therefore, I find that the application must be dismissed with leave to reapply. The landlord must reapply within the time limit set out in section 60 of the Act; which provides:

**60** (1) *If this Act does not state a time by which an application for dispute resolution must be made, it must be made within 2 years of the date that the tenancy to which the matter relates ends or is assigned.*

(2) *Despite the [Limitation Act](#), if an application for dispute resolution is not made within the 2 year period, a claim arising under this Act or the*

*tenancy agreement in relation to the tenancy ceases to exist for all purposes except as provided in subsection (3).*

*(3) If an application for dispute resolution is made by a landlord or tenant within the applicable limitation period under this Act, the other party to the dispute may make an application for dispute resolution in respect of a different dispute between the same parties after the applicable limitation period but before the dispute resolution proceeding in respect of the first application is concluded*

### Conclusion

The application is dismissed with leave to reapply within the legislated time limit.

This decision is final and binding and 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: November 03, 2016

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Residential Tenancy Branch

