



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Stonecliff Properties Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes            MND, MNDC, MNR

### Introduction

This is an application brought by the Landlord requesting a monetary order in the amount of \$10,960.37.

The applicant testified that she mailed the notice of hearing and hearing documents to the tenants last known address, however those documents were returned, and she is not certain if that addresses his present mailing address, and the tenant has never given her a forwarding address.

Section 89 of the Residential Tenancy Act states:

- 89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:
- (a) by leaving a copy with the person;
  - (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
  - (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
  - (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
  - (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

In this case I have no evidence that the landlord sent the documents to the address at which the tenant resides, nor has the applicant sent the documents to a forwarding address provided by the tenant.

In the absence of any proof that the tenant has been served with notice of today's hearing I am unwilling to proceed with the hearing.

Conclusion

This application has been 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 *Manufactured Home Park Tenancy Act*.

Dated: January 16, 2017

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Residential Tenancy Branch