



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, FF

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- a monetary order for unpaid rent and for damage to the unit pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

The landlord attended the hearing via conference call and provided undisputed affirmed testimony. The tenants did not attend or submit any documentary evidence. The landlord stated that the tenants were served with the notice of hearing package and the submitted documentary evidence on September 9, 2016 via Canada Post Registered Mail and that the package was returned by Canada Post as unclaimed. During the hearing the landlord provided undisputed affirmed evidence that possession of the rental unit was obtained on August 31, 2016 and that no further contact was made as she has no knowledge of the whereabouts of the tenants. I am not satisfied with the landlord's service as the tenants had vacated the rental unit and that the landlord gained possession of the rental unit on August 31, 2016. As such, I find that the September 9, 2016 service via Canada Post Registered Mail does not satisfy sections 88 and 89 of the Act. 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: March 07, 2017

Residential Tenancy Branch