



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This participatory hearing was scheduled pursuant to an Interim Decision that was issued on May 4, 2017 in response to the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The tenant did not appear at the hearing. The landlord appeared at the hearing and confirmed that the tenant had moved out on April 29, 2017 and that the only outstanding issues are monetary in nature.

As provided in the Interim Decision, the landlords were required to serve the tenant with a Notice of Hearing and Interim Decision in a manner that complies with section 89 of the Act. The landlord testified that the required documents were sent to the tenant's place of employment, via registered mail, on May 9, 2017 but that the registered mail was signed for by someone other than the tenant. The landlord explained that the landlords had used the tenant's place of employment to send the registered mail because registered mail that was sent to the tenant on May 3, 2017 using her forwarding address had been returned by Canada Post for the reason there was "no such address". The landlord provided the registered mail receipt numbers for the registered mail sent to the tenant on May 3, 2017 and May 9, 2017.

Initially, I was satisfied that the registered mail sent on May 3, 2017 was done in a manner that complies with section 89 of the Act and I proceeded to hear the landlord's monetary claim. However, after the teleconference call ended I noted that the Interim Decision was issued on May 4, 2017 and the Notice of Hearing was generated May 5, 2017 and these documents were sent to the landlord by the Residential Tenancy Branch, via email, on May 5, 2017 which means the documents mailed on May 3, 2017 could not have included a copy of the Interim Decision and Notice of Hearing. Upon further review of the documents on file, I note that the registered mail receipt number for the May 3, 2017 mailing corresponds to the registered mail the landlord sent to the tenant containing the landlord's original Application for Dispute Resolution by Direct

Request. Accordingly, I must conclude that the tenant was not put on notice of today's hearing by way of the mail sent on May 3, 2017.

As for the registered mail sent on May 9, 2017 I find the address used for service is not an address permitted under section 89 of the Act. Section 89(1) provides that where a landlord serves an Application for Dispute Resolution to a tenant via registered mail address for service must be the tenant's forwarding address or address of residence at the time of mailing. The tenant's place of employment is not the tenant's forwarding address and is not her address of residence. Accordingly, I must conclude that the landlord did not serve the tenant with notification of this proceeding in a manner that complies with section 89 of the Act, as required, by way of the May 9, 2017 mailing.

In light of the above, I decline to further consider the landlords' monetary claim against the tenant and 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: June 14, 2017

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Residential Tenancy Branch