



Dispute Resolution Services

Page: 1

Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding ROYAL LEPAGE NANAIMO REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was scheduled to deal with a landlord's application for an Order of Possession and Monetary Order for unpaid rent pursuant to an Interim Decision issued under the Direct Request procedure on May 26, 2017. The landlord was represented at the hearing; however, the tenants did not appear. As reflected in the Interim Decision, the landlord was required to serve the tenants with notification of the hearing in accordance with section 89 of the Act. The landlord's agent testified that notice of today's hearing was sent to the tenants via registered mail on June 2, 2017 at the rental unit address. The landlord provided registered mail tracking numbers as proof of service. The landlord testified that the tenants vacated the rental unit at the end of May 2017 and did not provide the landlord with a forwarding address. The registered mail sent on June 2, 2017 was unclaimed by the tenant and returned to sender.

Since the tenants have already vacated the rental unit, the landlord confirmed that an Order of Possession is no longer required and the only issue to determine is the landlord's monetary claim.

Section 89 provides that a landlord may serve a tenant by registered mail using the tenant's address of residence or the tenant's forwarding address. As of June 2, 2017 the rental unit address was no longer the tenants' address of residence and it was not a forwarding address provided by the tenants. Therefore, I find that sending the registered mail to the tenants at the rental unit address after they moved out does not comply with section 89 of the Act and is insufficient service.

In light of the above, I dismiss the landlord's monetary claim 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: July 20, 2017

Residential Tenancy Branch