



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KIM GIN + SONS LTD.
And [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FF

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

- an early end to this tenancy and an order of possession pursuant to section 56;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

The landlord's agent (the landlord) attended the hearing via conference call and provided undisputed affirmed testimony. The tenant did not attend or submit any documentary evidence. The landlord stated that the tenant was served with the notice of hearing package via Canada Post Registered Mail on December 7, 2017 at the rental premises and has submitted a copy of the Canada Post Tracking label and receipt as confirmation. The landlord clarified that the package was returned by Canada Post as unclaimed as the tenant was arrested on November 28, 2017 by the police and that the tenant has not returned to the rental premises nor is whereabouts known. I find that the landlord knowing that the tenant could not be served via Canada Post Registered Mail has failed to comply with sections 88 and 89 of the Act. As such, the landlord's application is dismissed for lack of service.

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: February 01, 2018

Residential Tenancy Branch