



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNSD, FFL

Introduction

On August 31, 2018, the Landlord submitted an Application for Dispute Resolution for a monetary order for damage to the unit; to keep the security deposit; and to recover the cost of the filing fee.

The matter was scheduled as a teleconference hearing. The Landlord appeared at the hearing; however, the Tenant did not. The Landlord provided affirmed testimony that the Tenant was served with the Notice of Dispute Resolution Proceeding documents using registered mail sent on September 7, 2018.

Preliminary and Procedural Matters

The Landlord testified that the Tenant did not provide her with a forwarding address at the end of the tenancy. The Landlord testified that she phoned the Tenant's work supervisor and received the Tenants work address. The Landlord testified that she sent the Notice of Dispute Resolution Proceeding documents to the Tenants business address. The Landlord provided the registered mail tracking number and submitted that the registered mail was delivered.

I find that the address to which the Landlord sent the Notice of Dispute Resolution Proceeding documents is not an address that was provided to the Landlord by the Tenant.

The Landlord is seeking monetary compensation and the Tenant has a right to receive notice and disclosure and have an opportunity to respond and participate. In the circumstances, I find that it is not reasonable to conclude that the Tenant received the registered mail. The mail could have been accepted by anyone at the Tenant's place of

business. I find that the deemed received provisions under section 90 of the Act do not apply to this situation.

I find that the Tenant has not been properly served with the Notice of Dispute Resolution Proceeding. The Landlord's application is dismissed in its entirety 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: January 07, 2019

Residential Tenancy Branch