



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SKYLINE LIVING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDL-S, MNRL-S, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for monetary compensation for damages, for monetary compensation for unpaid rent, to retain the security deposit towards compensation owed and for the recovery of the filing fee paid for the Application for Dispute Resolution.

An agent for the Landlord (the “Landlord”) was present for the teleconference hearing, while no one called in for the Tenant during the approximately 12-minute duration of the hearing. The Landlord was affirmed to be truthful in her testimony and stated that the Tenant was served with the Notice of Dispute Resolution Proceeding package by email as well as registered mail. The Landlord provided the registered mail tracking number which is included on the front page of this decision. The Landlord stated that the registered mail was unclaimed and returned to them.

Preliminary Matters – Service

The Landlord testified that she applied for a substituted service order by submitting the application form along with their evidence that was submitted online. The evidence submitted through the online system was reviewed and no substituted service application was found. The Landlord confirmed that she did not receive a substituted service order granting permission to serve the Tenant by email.

The Landlord also stated that as the Tenant did not provide a forwarding address, they found a possible new address for the Tenant and served the documents by registered mail at that address. However, as the registered mail package was not claimed and there was no documentary evidence submitted to establish that the Tenant resides at

this address, I am not satisfied that the Tenant was served in accordance with Sections 88 or 89 of the *Act*. As stated in Section 89(1)(c) of the *Act*, service by registered mail must be to an address at which the person resides.

As I have no evidence before me that the Tenant resides at the address where the registered mail was sent, and as the Landlord did not receive a substituted service order to serve the Tenant by email, I am not satisfied that the Tenant was served with the Notice of Dispute Resolution Proceeding package as required. Therefore, I dismiss the Landlord's application, with leave to reapply. No findings of fact or law were made regarding this dispute.

Conclusion

Due to a service issue, the Application for Dispute Resolution 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 04, 2019

Residential Tenancy Branch