



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC, MNR, FF

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

- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

The landlord attended the hearing via conference call and provided undisputed 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 February 2, 2019. The landlord stated that the package was sent to a mailing address received from her co-worker. The landlord stated that that package would have been forwarded by Canada Post to the tenant's new address. The landlord stated that she could not provide any details of when this mailing address was provided or that any efforts were made to confirm the new address or that it was being forwarded by Canada Post to the tenant's new address.

I accept the undisputed evidence of the landlord and find that the landlord has failed to properly serve the tenant with the notice of hearing package as per section 89 of the Act. The landlord was unable to provide sufficient details of when the new mailing address was obtained or of any efforts to confirm it. Further the landlord stated that this package was forwarded to a new address as the tenant no longer resides there. The landlord was unable to provide sufficient evidence of Canada Post forwarding the mail to the tenant. On this basis, the landlord's application is dismissed with leave to reapply for lack of service. Leave to reapply is not an extension of any applicable limitation period.

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 29, 2019

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**Residential Tenancy Branch**