



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pemberton Holmes
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR

This hearing was convened in response to an application by the Landlord for a monetary order for unpaid rent pursuant section 67 of the *Residential Tenancy Act* (the “Act”).

The Tenants did not attend the hearing. The Landlord’s application for dispute resolution made March 8, 2019 sets out the Tenant’s address as the dispute address and the end of the tenancy at that address as February 20, 2019. The Landlord stated that the application for dispute resolution and notice of hearing (the “Materials”) were sent by registered mail to the dispute address. The Landlord confirmed that the Tenants moved out of the unit prior to the Landlord making the application for dispute resolution. The Landlord stated that it does not have the Tenants’ new address. After being informed that service to the dispute address after the end of the tenancy may not be good service the Landlord stated that the Materials were sent to the forwarding address provided by the Tenant at the end of the tenancy. The Landlord did not provide a copy of the receipt for the registered mail service as evidence for this hearing and the Landlord stated that it did not check the tracking number on its copy of the receipt to confirm the delivery of the mail.

Section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. Section 89(1) of the Act provides that an application for dispute resolution must be given to a tenant in one of the following ways:

- by leaving a copy with the person;
- by sending a copy by registered mail to the address at which the person resides
- by sending a copy by registered mail to a forwarding address provided by the tenant;

As the Landlord gave inconsistent oral evidence about where the application was sent, as the Landlord's application sets out the dispute address as the Tenants' residential address, as the Landlord's evidence is that the Tenants moved from the dispute address before the Landlord's application was made, and as the Landlord provided no supporting evidence of registered mail or where the application was sent I find that the Landlord has not provided sufficient evidence to satisfy the service requirements under the Act. I therefore dismiss the application 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 Act.

Dated: May 07, 2019

Residential Tenancy Branch