



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MND, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent, cost of cleaning and repairs and the filing fee.

The tenants did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord testified that she did not receive rent on April 01, 2019 and she attempted to contact the tenants by telephone and text messages. The tenants did not respond to the landlord. The landlord testified that on April 04, 2019, she visited the rental unit and found the property abandoned. The tenant had moved out sometime before that date without informing the landlord. The landlord stated that she had no forwarding address for the tenant but was able to find some information on social media.

The landlord did her own investigation and found where the tenants had moved to. On May 24, 2019, the landlord served the notice of hearing packages by registered mail to the address that she had found. The packages were returned to the landlord.

Issues to be decided

Were the tenants properly served with the notice of hearing and the landlord's application? If so, is the landlord entitled to a monetary order?

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration.

The tenants are entitled to have an opportunity to be heard at the hearing. Based on the testimony of the landlord, I find that the tenants had not provided the landlord with a forwarding address and the landlord served the notice of hearing packages to an address that she found herself. Since the packages were returned to the landlord, it is possible that the tenants do not reside at the address the packages were mailed to.

Since the landlord has not proven service of the notice of hearing to the tenants, I find that the tenants were not given an opportunity to respond to the landlord's claim against them. Accordingly, I must dismiss the landlord's application with leave to reapply.

Conclusion

The landlord's application 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: August 15, 2019

Residential Tenancy Branch