



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Gramercy Enterprises Ltd. and [tenant
name suppressed to protect privacy]

DECISION

Dispute Codes MNRL-S, MNDCL-S, FFL

Introduction

On April 12, 2021 the Landlord submitted an Application for Dispute Resolution (the “Application”), seeking relief pursuant to the *Residential Tenancy Act* (the “Act”) for the following:

- a monetary order for unpaid rent and compensation;
- an order granting authorization to retain the security deposit; and
- an order granting recovery of the filing fee.

The Landlord’s Agent E.S. attended the hearing at the appointed date and time. No one attended for the Tenant. At the start of the hearing, the Landlord’s Agent stated that the Application and documentary evidence package was sent to the Tenant by Registered Mail on April 22, 2021. The Landlord’s Agent stated that the Tenant provided their forwarding address to the Landlord in writing at the time of the move out condition inspection. The Landlord provided a copy of the condition inspection report containing the Tenant’s forwarding address in support.

The Landlord also provided a copy of the Registered Mail sticker which contains the Tenant’s name and the address to which the Landlord sent the Application and documentary evidence package to.

I note that the Tenant’s forwarding address provided on the condition inspection report does not match the address listed on the Registered Mail sticker provided by the Landlord.

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution,...when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) **if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;**
- (e) as ordered by the director under section 71(1) [director's orders: delivery and service of document]...

In this case, I find that the Landlord did not send the Registered Mail to the forwarding address provided by the Tenant. As such, I dismiss the Landlord's Application with leave to reapply.

Conclusion

I dismiss the Landlord's Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*.

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: October 12, 2021

Residential Tenancy Branch