



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNRL-S, FFL

### Introduction and Preliminary Matter

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a residential tenancy dispute. On December 6, 2021, the Landlord applied for:

- an order of possession for the rental unit, having issued a 10 Day Notice to End Tenancy, dated November 4, 2021 (the 10 Day Notice);
- a monetary order for unpaid rent, noting they held a security deposit; and
- the filing fee.

The hearing began promptly and was attended by the Landlord, but not the Tenant. The Landlord was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; she was made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The Landlord testified that the Notice of Dispute Resolution Proceeding (NDRP) and evidence was served on the Tenant by sending it to the rental property by registered mail on December 14, 2021.

The Landlord also testified that the Tenant vacated the rental unit on November 30, 2021.

Section 89(1)(c) of the Act states:

### **Special rules for certain documents**

**89 (1)** An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

...

(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;

...

The Landlord testified that the Tenant vacated the rental unit on November 30, 2021, and that the Landlord served their NDRP on the Tenant on December 14, 2021 by sending it registered mail to the rental unit.

This violates section 89(1)(c), which states that the application must be sent to the address at which the person resides.

Therefore, I dismiss the Landlord's application.

### Conclusion

The Landlord's application is dismissed.

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 28, 2022

---

Residential Tenancy Branch