



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDL-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 tenancy. In this application for dispute resolution, the landlord applied on October 13, 2021 for:

- an order for the tenant to pay to repair the damage they, their pets, or their guests caused during the tenancy, requesting to retain the security and/or pet damage deposit; and
- the filing fee.

The hearing 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 as the tenant has vacated the rental unit, she served the Notice of Dispute Resolution Proceeding (NDRP) and her evidence on the tenant by sending it by registered mail on October 21, 2021 to the tenant's address for service from a previous dispute between the parties; the dispute file number is recorded on the cover page of this decision. The landlord confirmed the post office box address was not provided to her by the tenant as a forwarding address.

Section 89 of the Act includes that an application for dispute resolution may be served by sending a copy by registered mail to a forwarding address provided by the tenant.

As the landlord mailed the documents to an address that is not a forwarding address provided by the tenant, I find the landlord did not serve the tenant in accordance with section 89 of the Act.

Therefore, the landlord's application is dismissed 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: June 07, 2022

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Residential Tenancy Branch