Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR-DR, MNR-DR

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 January 19, 2022 for:
- an order of possession, having issued a 10 Day Notice to End Tenancy for Unpaid Rent, dated December 6, 2021; and
- a monetary order for unpaid rent, having served the 10 Day Notice.

The hearing was attended by the landlord but not the tenant. The landlord was affirmed and made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The landlord testified the tenant had vacated the rental unit by January 1, 2022.

The landlord testified he served the Notice of Dispute Resolution Proceeding (NDRP) and his evidence on the tenant by sending it by registered mail on February 25, 2022 to the rental unit address.

The landlord testified that he was told by Canada Post that the tenant's mail would be forwarded to her new address. The landlord testified he attempted to call the tenant multiple times to confirm she received the documents, but he did not receive a response.

Section 89(1)(c) of the Act states that an application for dispute resolution may be given by sending a copy by registered mail to the address at which the person resides.

As the landlord mailed the documents to the rental unit after the date the tenant vacated it, 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.

<u>Conclusion</u>

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 06, 2022

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Residential Tenancy Branch