



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCCCL-S, MNDL-S, MNRL-S

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for compensation - Section 67;
3. A Monetary Order for damages to the unit - Section 67; and
4. An Order to retain the security deposit - Section 38.

The Tenants did not attend the hearing. The Landlord attended and was given full opportunity to be heard, to present evidence and to make submissions.

The Landlord received the Tenant’s forwarding address on February 5, 2022 and sent their application for dispute resolution, notice of hearing and evidence (the “Hearing Package”) by registered mail on February 17, 2022 to that address. The Landlord subsequently discovered from the postal service that there is no such address as the one provided by the Tenant. The Hearing Package was returned to the Landlord. The Landlord does not intend to pursue any monetary order that may be obtained from this dispute because the Tenant’s address is not correct.

Section 90(a) of the Act provides that a document given or served in by registered mail is deemed to be received if given or served by mail, is deemed received on the fifth day after it is mailed. Policy Guideline #12 provides that a document is considered or

'deemed' received unless there is evidence to the contrary. Given the Landlord's evidence that the Tenant did not receive the Hearing Package I am unable to find that the Tenant has been deemed served. As service is required under section 89 of the Act, I may not consider the Landlord's application or whether the Landlord has received a valid forwarding address. I therefore dismiss the application 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 Act.

Dated: September 28, 2022

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Residential Tenancy Branch