



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, FFL

Introduction

The Landlord filed an Application for Dispute Resolution on January 30, 2022 seeking compensation for unpaid rent, and reimbursement of the Application filing fee. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on September 15, 2022.

Both parties attended the conference call hearing. I explained the process and offered the parties the chance to ask questions. I provided each party the chance to present oral testimony and make oral submissions during the hearing.

Preliminary Matter

To proceed with this hearing, I must be satisfied that the Landlord made reasonable attempts to serve the Notice of Dispute Resolution Proceeding (the “Notice”) to the Tenant. This means the Landlord must provide proof that the document has been served at a verified address allowed under s. 89 of the Act, and I must accept that evidence.

In the hearing, the Landlord provided that they sent the Notice via registered mail to the school where the Tenant is a student. They provided proof in the form of a receipt bearing a registered mail tracking number, and an image of the address envelope naming the specific building in which the Tenant allegedly takes classes, with reference to a particular program area.

The Landlord described how there was an abrupt end to the tenancy with the Tenant not informing the Landlord of their abandonment of the rental unit, and only returning the keys to the Landlord through their friend. They received no communication from the Tenant after sending the Notice to the Tenant’s school. The Landlord stated the Tenant did not provide a forwarding address at the end of the tenancy.

The *Act* s. 89(1) stipulates that 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 s.71 (1) [*director's orders: delivery and service of documents*];
- (f) by any other means of service provided for in the regulations.

Here I find the Landlord has not fulfilled the service provisions under s.89 of the *Act*. I make this finding due to the delivery method of the hearing package (including, most importantly, the Notice) being very indirect. This involves an educational institution at which the Landlord understood the Tenant is a student. There is no proof the Tenant attends that institution, or that they would receive mail at that address. This is not “an address at which the person resides” and is not a forwarding address provided by the Tenant. Therefore, I find the Notice was not served in a way recognized by the *Act* or the *Residential Tenancy Regulation* s. 43.

For this reason, I dismiss the Landlord’s Application, with leave to reapply. The Landlord may reapply for compensation. There is no reimbursement of the Application filing fee.

Conclusion

For the reasons above, I dismiss the Landlord’s application for compensation, with leave to reapply. This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*. This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: September 15, 2022

Residential Tenancy Branch