



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNRL-S, FFL**

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed under the Residential Tenancy Act (the “Act”), for a monetary order for unpaid rent, for an order to retain the security deposit in partial satisfaction of the claim and to recover the cost of the filing fee.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail on May 12, 2022, a Canada post tracking number was provided as evidence of service.

I asked the landlord to what address the registered mail was sent as there is no address for the tenant listed in the application. The landlord responded that it was sent to the last known work address for the tenant.

Although I accept the package was delivered to the business address where the tenant was last known to be employed; however, I am not satisfied the tenant was served.

Under section 89 of the Act when sending the documents by registered mail it must be to the address at which the person resides, not a place of employment. Therefore, I cannot find the tenant was served in accordance with section 89 of the Act.

Based on the above, I find I must dismiss the landlord 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 *Residential Tenancy Act*.

Dated: November 28, 2022

Residential Tenancy Branch