



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. The Landlord states that on June 17, 2022 their application for dispute resolution, notice of hearing and evidence was sent by mail to an address out of province used by the Tenant as identification at the outset of the tenancy. The Landlord states that this is the only address the Landlord has for the Tenant. The Landlord states that they do not know if this address is the Tenant’s residential address. The Landlord states that the Tenant has not communicated with the Landlord since the end of the tenancy despite the Landlord’s attempts to locate them or communicate with them. It is noted that the application does not set out any address for the Tenant.

Section 59(2)(b) of the Act provides that an application for dispute resolution must include full particulars of the dispute that is to be the subject of the dispute resolution proceedings. Those particulars include a respondent party’s address. As the Landlord’s application does not set out any address for the Tenant I find that the Landlord has not provided full particulars as required by the Act.

Section 89(1) of the Act provides that an application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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 section 71 (1) [*director's orders: delivery and service of documents*];
- (f) by any other means of service provided for in the regulations.

As the Landlord did not provide any evidence of having sent the application for dispute resolution to either the Tenant's residential address or to a forwarding address provided by the Tenant I cannot find that service of the application for dispute resolution has been accomplished as required by the Act. For this reason and as the application for dispute resolution does not contain full particulars, I dismiss the application for dispute resolution with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: February 07, 2023

Residential Tenancy Branch