



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0974971 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL-S, MNDL-S, MNDCL-S, FFL

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent, unpaid utilities, cost of repairs, cleaning and the filing fee.

The landlord stated that the tenant moved out on November 08, 2022, without notice and did not provide a forwarding address. The landlord served the tenant with a notice of hearing package, by registered mail on January 13, 2023.

However, since the landlord did not have a forwarding address for the tenant, she served it to the mailing address of the rental unit. The package was returned to the landlord and the tenant did not attend the hearing.

Issue to be Decided

Was the tenant served with the notice of hearing pursuant to Section 88?

Analysis

Section 88 of the *Residential Tenancy Act* addresses how to give or serve documents. The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing.

Based on the testimony of the landlord, I am not satisfied that the notice of hearing was served in accordance with section 88 of the *Act*.

Conclusion

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: March 07, 2023

Residential Tenancy Branch