



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNR, OPR, FF

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the "Act") for an Order of Possession, a Monetary Order for unpaid rent and an Order to recover the filing fee. The Tenant did not appear at the hearing.

A 10 day Notice to End Tenancy for non-payment of January 2011 rent was sent by the Landlord by registered mail to the Tenant at the dispute address on January 7, 2011. This notice provided an effective move-out date of January 17, 2011. Information on file indicates that the Tenant did not file an application to dispute the Notice to End Tenancy. The Landlord stated at the outset of the Hearing that the Application for Dispute Resolution was served by registered mail to the Tenant on March 23, 2011 to the dispute address however the Landlord could not provide any evidence as to when the Tenant vacated the dispute address. The Landlord states that it discovered at the beginning of April that the Tenant was no longer in the unit at the dispute address.

Section 89 of the Act requires a landlord to serve an application for dispute resolution on the tenant. If that service is done by registered mail, that mail must be sent to the address at which the tenant resides. Taking into account the January move-out date required by the Notice to End Tenancy and considering the lack of evidence provided by the Landlord as to whether the Tenant still resided at the dispute address at the time of the service of the application, I cannot find that the service requirements of the Act has been met. Accordingly, I dismiss the Landlord's 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: April 12, 2011.

Residential Tenancy Branch