



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNR, MNDC, MNSD, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for money owed or compensation for damage or loss; for a monetary Order for unpaid rent and/or utilities; to keep all or part of the security deposit; and to recover the fee for filing this Application for Dispute Resolution.

Issue(s) to be Decided

Is the Landlord entitled to compensation for unpaid rent/loss of revenue; to compensation for unpaid utilities; and to retain all or part of the security deposit paid by the Tenant?

Background and Evidence

The Landlord stated that the Tenant provided him with a forwarding address, in writing. The Landlord submitted a copy of a letter from the Tenant in which he provided the service address noted on the Application for Dispute Resolution. I specifically note that the Tenant directed that the mail be sent to this service address in care of a third person.

The Landlord stated that he mailed the Application for Dispute Resolution and Notice of Hearing to the service address, via regular mail, on May 14, 2013. The Landlord stated that the package was returned to him. The Landlord submitted the unopened package that had been mailed to the Tenant. I note that this package was addressed to the Tenant but it is not sent in care of the third person identified by the Tenant.

Analysis

The purpose of serving the Application for Dispute Resolution and the Notice of Hearing is to notify the Tenant that a dispute resolution proceeding has been initiated and to provide the Tenant with the opportunity to respond to the Landlord's claims. The

Landlord has the burden of proving that the Tenant was served with the Application for Dispute Resolution and the Notice of Hearing in accordance with section 89 of the *Residential Tenancy Act (Act)*.

Section 89 of the *Act* authorizes service of the Application for Dispute Resolution and the Notice of Hearing by registered mail. Section 89 of the *Act* does not authorize service of the Application for Dispute Resolution and the Notice of Hearing by regular mail. As the Landlord served these documents by regular mail, I find that he has not satisfied the service requirements of section 89 of the *Act*.

Conclusion

As the Landlord has not established that the Tenant was served with the Application for Dispute Resolution and the Notice of Hearing in accordance with section 89 of the *Act*, I dismiss the Application for Dispute Resolution 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: August 13, 2013

Residential Tenancy Branch

