



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, MNDC, FF

This hearing was convened to address a claim by the landlord for an order of possession and a monetary order. At the hearing, the landlord testified that on August 23 he served the application or dispute resolution and the notice of hearing on the tenants via registered mail sent to the rental unit. He testified that the tenants vacated the unit on August 25.

Section 89 of the Act provides that a landlord may serve tenants with documents via registered letter sent to the address at which they reside. Although the tenants resided at the address when the landlord mailed the letters, they did not reside at that address 5 days later when the letters would have been deemed received.

I find that the landlord did not mail the letters to the address at which the tenants resided because they had vacated the unit by the time the letters arrived. I find that the tenants have no notice of the claim against them and therefore I dismiss the 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: October 20, 2014

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Residential Tenancy Branch

