



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, MNDC, FF

### Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for unpaid and/or loss of rent; and, authorization to retain the security deposit. The tenant did not appear at the hearing. The landlord provided a registered mail receipt, including tracking number, as proof the hearing documents were sent to the tenant via registered mail. The landlord testified that the tenant's father signed for the registered mail. The landlord testified that the tenant had provided the service address to the landlord via text message sent on October 14, 2014. I noted that the landlord had provided several text messages in her evidence package but the last one was dated October 2, 2014. I ordered the landlord to provide me with a copy of the text message where the tenant provided a forwarding address after the teleconference call and I continued to hear the landlord's case on the condition that my decision would be subject to receiving proof the address used for service was the forwarding address provided by the tenant. As of the date of this decision I have not received proof the tenant had provided the landlord with the forwarding address.

Residential Tenancy Policy Guideline 12 provides information on service provisions of the Act. It provides that where the respondent does not appear at a hearing, the applicant must be prepared to prove service occurred in a manner that complies with the Act. Proof of service by registered mail should include the original receipt given by the post office and should include the date of service and the address used for service. Further, the applicant must be prepared to prove that the address used for service was either the respondent's address of residence or, in the case of a tenant, the tenant's forwarding address at the time of mailing. Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply.

Considering the tenant did not sign for the registered mail, and in the absence of evidence to demonstrate the address used for service was the tenant's address of residence or the forwarding address provided by the tenant, I find I am unable to

conclude that the landlord sufficiently served the tenant with the hearing documents. Therefore, I dismiss this 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: July 15, 2015

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Residential Tenancy Branch

