



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

On July 6, 2018, the Landlord made an Application for Dispute Resolution seeking a Monetary Order for outstanding rent pursuant to Section 67 of the *Residential Tenancy Act* (the “Act”), seeking a Monetary Order for compensation for outstanding utilities pursuant to Section 67 of the *Act*, seeking a Monetary Order for compensation for cleaning pursuant to Section 67 of the *Act*, seeking to apply the security towards these debts pursuant to Section 67 of the *Act*, and seeking recovery of the filing fee pursuant to Section 72 of the *Act*.

The Landlord attended the hearing; however, there was no appearance by the Tenant. The Landlord provided a solemn affirmation.

The Landlord advised that she did not get a forwarding address in writing from the Tenant. She stated that she served a Notice of Hearing package to the Tenant’s business address on July 6, 2018 by registered mail. I find it important to note that Section 89 of the *Act* requires that if the Landlord chooses to serve the Application for Dispute Resolution by registered mail, it must be sent to the address at which the person resides or to a forwarding address provided by the Tenant. However, the Landlord did not provide any evidence corroborating that this was an appropriate address for service where the Tenant would be able to receive these documents.

As the Notice of Hearing package had not been served to an address that had been substantiated to be an appropriate service address for the Tenant, I am not satisfied that the Tenant was served with the Landlord’s Notice of Hearing package. As such, I dismiss the Landlord’s Application with leave to re-apply.

As the Landlord was unsuccessful in her claims, I find that the Landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the Landlord's Application with leave to re-apply.

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: November 27, 2018

Residential Tenancy Branch