



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for damages to the unit - Section 67;
3. A Monetary Order for compensation - Section 67; and
4. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. The Landlord served the Tenant with the application for dispute resolution, evidence and notice of hearing (the “Hearing Package”) by registered mail on August 18, 2022. The mail was not delivered and was returned to the Landlord. The Landlord did not receive a forwarding address from the Tenant and does not know where the Tenant resides. The Landlord sent the Hearing Package to an address on a copy of an identification card given to the Landlord at the time of signing the tenancy agreement. The Tenant had indicated at the time that this was where the Tenant was residing. The Tenant had also at the time given the Landlord a different name than was indicated on the identification card.

Section 89(1) of the Act provides that an application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;

- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*];
- (f) by any other means of service provided for in the regulations.

There is no supporting evidence that after the tenancy ended the Tenant moved back to the address on the identification card. For this reason and as there is no evidence that the Landlord served the Tenant in person or to a forwarding address provided by the Tenant, I cannot find that the Landlord has served the Hearing Package as required under the Act. I therefore dismiss the application with leave to reapply. Leave to reapply is not an extension of any limitation date.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 24, 2023

Residential Tenancy Branch