



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MND MNDC MNR FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for a monetary Order for unpaid rent or utilities; a monetary Order for damage to the rental unit, a monetary Order for money owed or compensation for damage or loss, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Landlord stated that the Tenant did not provide her with a forwarding address. She stated that she learned that they were staying at a hotel in BC; that she confirmed with the front desk employee of the hotel that both tenants were staying at the hotel; that the front desk employee would not provide her with a room number for the Tenant; that the front desk employee agreed to take the application for dispute resolution package to the Tenant; that the front desk employee left the lobby with the package and returned a short time later to advise her that she had personally given the documents to the female tenant.

The Landlord stated that she had signed documentation from the front desk employee, in which the employee confirms that she served the dispute resolution package on the female tenant. The Landlord did not submit the documentation in evidence. She was

given the opportunity to submit that evidence to the Residential Tenancy Branch prior to the end of the business day on January 13, 2009. The Landlord was clearly advised at the hearing that her application would be dismissed if the evidence submitted did not confirm that the documents were served in accordance with the legislation.

The Landlord submitted a copy of a signed document, in which the author stated that “she will give/deliver the package to their mail”.

I find that the Landlord did not serve the dispute resolution package to the Tenant in accordance with section 89 of the *Act*. While I accept that the evidence shows that the document was placed in the Tenant’s mail, I find that placing dispute resolution documents in the mail is not one of the methods of service outlined by section 89 of the *Act*. The evidence does not establish that the Tenant was personally served with the documents, as the Landlord stated at the hearing.

As the evidence does not establish that the Tenant was properly served notice of the hearing, the Landlord’s application has been dismissed. The Landlord retains the right to file another Application for Dispute Resolution in regards to this matter, as I have made no decision regarding the merits of this matter.

Dated: January 13, 2009.