

## **DECISION**

Dispute Codes      CNR, MNDC, MNSD, OPT

### Introduction

This hearing dealt with an application from the tenant pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's notice to end tenancy for unpaid rent or utilities pursuant to section 46;
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- return of all or a part of the tenant's security deposit pursuant to section 38;
- an Order of Possession for the rental unit pursuant to section 54; and
- recovery of the tenant's filing fee for this application from the landlord pursuant to section 72.

The landlord did not attend the hearing. The tenant testified that she vacated the rental premises on May 31, 2010, so she did not require cancellation of the landlord's notice to end this tenancy or an Order of Possession.

### Service of Tenant's Application

The tenant testified that she served the landlord with her application for dispute resolution package by placing it through his door frame on June 24, 2010. She said that her service of her application was witnessed by one of her friends. The tenant said that she was certain that the landlord received the application as he is the only person who lives at that address.

### Analysis – Service of Tenant's Application

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

*89(1) An application for dispute resolution,...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 document]...*

The tenant has not served the landlord in a manner required by section 89(1) of the *Act*. I am not satisfied that the landlord was properly served with the tenant's application for dispute resolution.

### Conclusion

I dismiss the tenant's 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*.