

DECISION

Dispute Codes:

MNR, MND, MNDC, OPR, 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, damages to the rental unit, damage or loss under the Act and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that the tenant was served copies of the Application for Dispute Resolution and Notice of Hearing at his place of employment but the mail was not delivered to the tenant.

The landlord then obtained the tenant's email address, scanned the documents and served them to the tenant via email.

The tenant did not provide the landlord with is forwarding address.

Section 89 of the Act provides:

89 (1) *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].

(Emphasis added)

Email is not an acceptable method of service. As the tenant has not been served as required by section 89 of the Act, I find that this Application is dismissed with leave to reapply.

Conclusion

This Application is dismissed 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: September 09, 2010.

Dispute Resolution Officer