



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes:

**MNDC, MNSD, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application for compensation for unpaid rent, damage or loss under the Act, damage to the rental unit property and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

### Preliminary Matter

The father for one of the respondents attended the hearing. On December 12, 2010, his daughter had received an email informing her of this hearing. They had not been aware of the hearing, nor had they any time to properly prepare a response.

This tenancy ended almost 2 years ago and the landlord had made multiple attempts to locate the tenants in order to resolve his claim. On December 1, 2010, the landlord received the Notice of Hearing. Section 59 of the Act requires an applicant to give the application to the respondent within 3 days of making the application. One of the respondents was sent information via email on December 12, 2010; which failed to meet the requirements of section 59 of the Act. Further, service via email does not meet the provision of section 89 of the Act.

Service of documents in relation to monetary claims is determined by section 89(1) of the Act; which requires delivery to each respondent by either registered mail to the address where the respondent resides, or personal delivery directly to the respondent.

In this case neither of the requirements of the above sections of the Act was met. Therefore, I dismiss this application with leave to reapply.

The parties did engage in discussion around the possibility of coming to a mutually agreed settlement and, although a settled agreement was not possible during the hearing, the parties did commit to carry on with negotiations.

### Conclusion

The 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: December 20, 2010.

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Dispute Resolution Officer