



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNDC, MNSD, RPP, O

This was an application by the tenant for a monetary order including an order for the return of her security deposit and for other relief. The hearing was scheduled to be heard by conference call. The tenant called in to participate in the hearing but the landlord did not attend. The tenant testified that she served the landlord with the application and notice of hearing by leaving copies in his mailbox.

Section 89 of the *Residential Tenancy Act* provides that an application for dispute resolution must be given to a landlord by leaving a copy with the landlord, or with an agent of the landlord, or by sending a copy by registered mail to the address at which the person carries on business as a landlord. The Act defines "registered mail" as follows:

"registered mail" includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.

The method of the delivery chosen by the applicant is not a method authorized by section 89 of the Act the documents were not left with the landlord and they were not sent by registered mail. Section 89 is mandatory; it provides that an application must be given in one of the ways provided. In the absence of proof of service of the application for dispute resolution, the tenant's application is dismissed with leave to reapply.

Dated: February 01, 2011.
