



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OPB, O, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for breach of the tenancy agreement, money owed or compensation for damage or loss, other and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution by courier. I found that the tenant had not been properly served with notice of the landlord's claim and the date and time of the hearing and based on this information the landlord's application is dismissed with leave to reapply.

Residential Tenancy Policy Guideline 12 Service Provisions speaks to:

2. SERVICE OF DOCUMENTS with respect to:

An application for Arbitration (except for section 3 below)

An arbitrator's Decision to proceed with a review of an arbitrator's decision

There are only three methods of service that may be used with respect to these matters. These are:

Personal service: *Where a tenant is personally serving a landlord, the tenant must serve a document by leaving a copy of it with the landlord or an agent of the landlord.*

Where a landlord is personally serving a tenant, the landlord must serve a document by leaving a copy with the tenant.

This requires actually handing a copy of the document to the person being served. If the person declines to take a copy of the document, it may be left near the person so long as the person serving informs the person being served of the nature of the document being left near them.

Registered Mail: *Where a tenant is serving a landlord by registered mail, the address for service must be where the landlord resides at the time of mailing or the address at which the landlord carries on business as a landlord. (See section 5 and 6 below)*

Where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant.

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

13. PARTIES NOT SERVED

Where one or more parties on an application for arbitration has not been served, the arbitrator's Order will indicate this and will dismiss, or dismiss with leave to reapply, the application involving the party not served.

Conclusion

The landlord's application is hereby 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: August 9, 2011.

Residential Tenancy Branch