Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNR, OPR, MNR, FF

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the "Act").

The Tenant failed to attend to present its claim. In the absence of the Tenant who made the application, I dismiss its claim without leave to reapply.

The Landlord stated that the Landlord's application for dispute resolution (the "Application") and Notice of Hearing were served on the Tenant by placing the Application between the door and the door jamb of the Tenant's unit.

The Act provides the following requirements for service of the Application

> **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]*.

As the Landlord did not serve the Application by any of the above methods, I cannot find that service has been accomplished in accordance with Section 89 of the Act and I

therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

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: March 29, 2012.

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Residential Tenancy Branch