



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, MNDC, FF

Introduction

This matter dealt with an application by the Tenant for the return of personal property, for compensation for damage or loss under the Act or tenancy agreement and to recover the filing fee for this proceeding. The Tenant said he served the Landlord with a copy of his Application and Notice of Hearing (the “hearing package”) on March 4, 2012 by leaving it in the mail box at the rental property. The Tenant admitted that the Landlord may no longer have been residing there on that date.

Section 89(1) of the Act says that an application (for anything other than an Order of Possession by a Landlord) must be served on the other party either in person or by registered mail to the address where that person resides or carries on business as a landlord. I find that the Landlord was not served with the Tenant’s hearing package as required by s. 89(1) of the Act and as a result, his application is dismissed with leave to reapply.

Conclusion

The Tenant’s 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: March 20, 2012.

Residential Tenancy Branch