



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RPP, O

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation– Section 67; and
2. An Order for the return of the tenant’s personal property – Section 65.

At the onset of the Hearing the Tenant states that she served the application for dispute resolution and notice of hearing on July 19, 2012 by registered mail to the Landlord’s residence. During the Hearing the Tenant stated that she was at this residence on July 14, 2012 to obtain her belongings as she had earlier been told that the Landlord no longer lived at the residence.

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*].

Based on the Tenant's evidence that she knew that the Landlord did not reside at the address where the application was mailed prior to mailing the application to this address, I find that the Tenant did not serve the application to the address where the Landlord resides. As a result, 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.

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 08, 2012.

Residential Tenancy Branch