



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

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### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”). The Landlord seeks clarification of sections 49, 50 and 51 of the Act and has not made a claim against the Tenants. The Tenants did not appear at the Hearing and have not made a claim against the Landlord in relation to sections 49, 50 and 51 of the Act. The Landlord states that he served the Tenants with the application for dispute resolution and notice of hearing by registered mail but was unable to provide evidence of service, such as a mail receipt or tracking number.

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 was unable to provide evidence of the service by registered mail, I am unable determine that the Tenant was served in accordance with Section 89 of the Act. Accordingly, I 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 09, 2012.

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Residential Tenancy Branch