



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, O

This hearing dealt with an application by the tenant for a monetary order. One of the three named respondents, R.H., appeared at the hearing and gave evidence that he had not been served with the application for dispute resolution, but had heard second-hand that the tenant was bringing a claim against him and was able to secure the date of the hearing and conference call number and passcode by contacting the Residential Tenancy Branch.

The tenant testified that he served the application for dispute resolution and notice of hearing (the "Hearing Documents") by fax to R.H. and the corporate respondent and that his advocate personally served the third respondent. The tenant claimed that he had a sworn statement from the advocate advising of service, but the tenant did not submit that evidence in advance of the hearing as required.

Section 89 of the Act provides specific means by which Hearing Documents may be served and faxing is not a recognized means of service. The tenant expressed a preference to proceed against all named respondents together, so I declined to accept his evidence of service on the third respondent which the tenant offered to fax to the Branch.

I find that the tenant has not proven that he properly served the Hearing Documents on the respondents and accordingly I dismiss his claim 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: September 12, 2012

Residential Tenancy Branch