



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR MSND FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain a Monetary Order for unpaid rent, to keep the security and or pet deposit, and to recover the cost of the filing fee from the Tenants for this application.

The Landlord appeared at the teleconference hearing; however, no one appeared on behalf of the Tenants.

### Issue(s) to be Decided

Have the Tenants been served notice of this proceeding in accordance with the *Residential Tenancy Act*?

### Background and Evidence

At the outset of this proceeding the Landlord affirmed that he mailed the hearing documents to the Tenants by regular mail. He could not provide the exact date that it was mailed however he does recall it would have been a Wednesday. He noted that the downstairs tenant saw the package and noted that the Tenants have vacated the property.

### Analysis

Section 89(1) stipulates methods of serving an application for dispute resolution as follows:

- (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*].

In this case the Landlord advised he served his application for dispute resolution and hearing documents to the Tenants by regular mail and not registered mail. Therefore, I find service of the application and hearing documents not to be completed in accordance with the Act and I dismiss this application, with leave to reapply.

### Conclusion

I HEREBY DISMISS the Landlord's 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: January 23, 2013

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Residential Tenancy Branch

