



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PROLINE MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This hearing was originally scheduled to deal with a landlord's application for an Order of Possession and monetary compensation for unpaid rent and utilities. The landlord amended the application to exclude the request for an Order of Possession and increase the monetary claim to include unpaid rent and utilities; other damages and cleaning. The tenant did not appear at the hearing.

The landlord testified that the original application was given to the tenant's adult son who resided with the tenant at the rental unit. The landlord testified that the amended application was given to the tenant's wife by a commissionaire.

Where the respondent does not appear at a hearing, the applicant must be prepared to prove service of the hearing documents upon the respondent in a manner that complies with the Act. Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply. I refer the landlord to Residential Tenancy Policy Guideline 12 for further information with respect to service requirements.

Section 89(1) of the Act provides that Application for Dispute Resolution involving a monetary claim. It provides:

Special rules for certain documents

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].

I have found that in serving the Application for Dispute Resolution upon the tenant's adult son and/or wife non-compliant with section 89(1) and insufficient to proceed to hear the landlord's monetary claim against the tenant. Therefore, I dismiss this Application for Dispute Resolution 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 07, 2013

Residential Tenancy Branch

