



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

RPP; MNDC

Introduction

This Hearing dealt with the Tenant's Application for Dispute Resolution seeking compensation for damage or loss under the Act, regulation or tenancy agreement and an Order that the Landlord return his personal property.

The Tenant gave affirmed testimony. The Landlord did not sign into the teleconference, which remained open for 10 minutes.

Preliminary Matter

The Tenant testified that he mailed the Notice of Hearing and a copy of his Application for Dispute Resolution to the Landlord, by regular mail.

Section 89 of the Act provides the methods for serving Applications for Dispute Resolution, which includes a provision for sending a copy by **registered** mail. There is no provision in Section 89 of the Act for serving a party by regular mail.

The Landlord did not sign into the teleconference and I find that the Tenant provided insufficient evidence to prove service of the Notice of Hearing documents upon the Landlord.

Therefore, I dismiss the Tenant's application **with leave to reapply**.

Conclusion

The Tenant's application is dismissed **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 21, 2013

Residential Tenancy Branch

