



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This was an application by the tenant for a monetary order for compensation damage. The hearing was conducted by conference call. The tenant attended but the landlord did not call into the conference and did not participate. The tenant testified that she served the landlord by putting the application in his mail box, or mail slot. She also delivered an evidence package to the landlord on April 29th by putting it in his mail box.

Section 89 of the *Residential Tenancy Act* provides that an application for dispute resolution must be given to a landlord by leaving a copy with the landlord, or with an agent of the landlord, or by sending a copy by registered mail to the address at which the person carries on business as a landlord.

The method of the delivery chosen by the applicant, namely: putting it in the landlord's mail box is not a method authorized by section 89 of the Act; it does not constitute personal service on the landlord or his agent and it does not meet the definition of "registered mail" contained in the Act. Section 89 is mandatory; it provides that an application must be given in one of the ways provided. In the absence of proof of service of the application for dispute resolution, 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: May 01, 2013

Residential Tenancy Branch

