



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, MNDC, MNSD

At the onset of the Hearing the Tenant stated that service of the application for dispute resolution and notice of hearing was attempted in person on the Landlord but that the Landlord refused to take the package and gave it back to the Tenant unopened.

The relevant portion of Section 89 of the Act requires that 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;

As the Tenant did not leave the application with the Landlord I cannot find that service has been accomplished under the Act. I therefore must dismiss this 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: June 12, 2013

Residential Tenancy Branch

