



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNDC, RPP

Introduction

This hearing was scheduled in response to the tenant's application for a monetary order (\$6,000.00) as compensation for damage or loss under the Act, Regulation or tenancy agreement / and an order instructing the landlord to return the tenant's personal property. The tenant attended and gave affirmed testimony.

The tenant testified that she served the landlord with her application for dispute resolution and notice of hearing (the "hearing package") on September 16, 2013, by depositing it in the landlord's mail slot / mail box at the office located within the same building as the subject unit. However, the landlord did not attend the hearing.

Further to the tenant's application for dispute resolution, documentary evidence is limited to a 2 page hand written submission dated September 12, 2013, in addition to what appears to be documentation similar to a journal entry dated August 11, 2013.

Section 88 of the Act speaks to **How to give or serve documents generally**. Section 89 of the Act addresses **Special rules for certain documents**, and provides as follows:

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*].

Section 71 of the Act addresses **Director's orders: delivery and service of documents**:

71(1) The director may order that a notice, order, process or other document may be served by substituted service in accordance with the order.

(2) In addition to the authority under subsection (1), the director may make any of the following orders:

- (a) that a document must be served in a manner the director considers necessary, despite sections 88 [*how to give or serve documents generally*] and 89 [*special rules for certain documents*];
- (b) that a document has been sufficiently served for the purposes of this Act on a date the director specifies;
- (c) that a document not served in accordance with section 88 of 89 is sufficiently given or served for purposes of this Act.

Conclusion

I find that the tenant's service of the hearing package does not comply with the above statutory provisions. Accordingly, the 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: December 30, 2013

Residential Tenancy Branch

