



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent and for damage to the unit pursuant to section 67; and
- authorization to recover their filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 11:20 a.m. in order to enable him to connect with this teleconference hearing scheduled for 11:00 a.m. The landlords attended the hearing and were given a full opportunity to be heard, to present sworn testimony, and to make submissions.

Service of Application for Dispute Resolution

The landlords testified that they sent the tenant a copy of the landlords' dispute resolution hearing package by registered mail on August 23, 2013. Although I allowed them 20 minutes to search for their copy of the Canada Post Tracking Number to confirm this registered mailing, they were unable to locate this information.

Analysis – Service of Application for Dispute Resolution

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution for a monetary award:

89(1) An application for dispute resolution,...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 document]...*

Without a copy of the Canada Post Tracking Number or Customer Receipt, and without sworn oral testimony as to the Canada Post Tracking Number, I find that the landlords have not demonstrated to the extent required that they have served their application for dispute resolution to the tenant in accordance with the *Act*. I dismiss their application for dispute resolution with leave to reapply as I find that the landlords have not shown that they served the tenant with their hearing package in accordance with the *Act*.

Conclusion

I dismiss the landlords' 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: December 02, 2013

Residential Tenancy Branch

