



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MND, FF

### Introduction

The landlord applies for a monetary award for the cost of repair of damage to the premises.

The tenant did not attend the hearing.

The landlord was unable to prove service. She testified that she sent the application and notice of hearing to the tenant by registered mail to his place of work. Such service is not one authorized by s.89 of the *Residential Tenancy Act*. However, in my view, if the tenant could be shown to have actually received it, it would be good service. Unfortunately, the landlord did not know whether the tenant had received it or not and, presently being out of the country, she did not have the registered mail tracking number at hand.

In all the circumstances I dismiss the landlord's application but with leave to re-apply. I decline to allow recovery of the filing fee but expressly reserve to the landlord permission to seek its recovery at any future hearing involving this tenant.

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: January 14, 2014

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Residential Tenancy Branch

