



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Queensbrook Holdings c/o Warrington PCI  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDC, FF

### Introduction

This hearing was convened by way of conference call in response to the tenant's application for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement; and to recover the filing fee from the landlord for the cost of this application.

The landlord's agent and the tenant attended the hearing. The tenant testifies that he served the landlord by normal mail with a copy of the application and Notice of Hearing. The landlord's agent testifies that they have not received any documents from the tenant pertaining to this hearing. The tenant informed the building manager about the hearing and the landlord contacted the Residential Tenancy Branch to obtain details of time and date of the hearing. The landlord's agent testifies that they do not know the details of the hearing or what the tenant has applied for.

### Analysis

Under section 89(1) (a)(b)(c) of the *Act* it states that:

**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;*

The tenant has provided no evidence to show that service of the hearing documents took place in accordance with s. 89 of the Act.

### Conclusion

I dismiss the tenant's 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 09, 2013

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Residential Tenancy Branch

