



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Columbia Property Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MND, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for damage to the rental unit, to retain the security deposit and to recover the filing fee from the tenant, for the cost of this Application for Dispute Resolution.

The landlord testified that on March 2, 2014 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant by registered mail to an address provided by their collection agency. A Canada Post tracking number and receipt was provided as evidence of service. The mail was not claimed and returned to the landlord.

In order to determine the validity of the address used for service the witness was called into the hearing and provided affirmed testimony. The witness said that she did email the landlord and provided a postal box address for the tenant that was obtained from an April 2013 credit statement. That address had been obtained by a different employee of the collection agency.

Section 89 of the Act requires service for an application as follows:

Special rules for certain documents

- 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].*

As the address used for service to the tenant was dated by over 1 year and, as it was not a residential address and the mail was not successfully delivered I determined that the service had not been completed as required by section 89 of the Act.

Therefore, as the tenant has not been served with Notice of this hearing, in accordance with the Act, I find that this application is dismissed with leave to reapply within the legislated time-frame.

Conclusion

Service of documents could not be proven.

The application is dismissed with leave to reapply within the legislated time-frame.

This decision is final and binding and 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: July 23, 2014

Residential Tenancy Branch

