



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, O, FF

Decision in reasons

This is an application for a monetary order for \$3600.00, however no hearing was held because the applicant failed to serve the respondent with the notice of hearing and the hearing package in the matter required under the Residential Tenancy Act.

Section 89 of the Residential Tenancy Act states the following:

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;

In this case, the applicant did none of the above and instead mailed the documents to the address of the rental unit she had been renting from the landlord.

Counsel for the landlord pointed out that the landlords mailing address for services is written right on the tenancy agreement.

Counsel for the landlord further stated that the landlord has never received any of the documents, and only found out about this hearing through a phone call.

Since the respondent was not served with notice of this hearing, and the time frame in which to serve the notice is well past, I am not willing to proceed with the hearing.

Conclusion

This 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: April 27, 2015

Residential Tenancy Branch

