



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, SS, FF

The dispute of each Party was set for a conference call hearing at 2:30 p.m. on this date. The line remained open while the phone system was monitored for ten minutes. After approximately 5 minutes the Landlord called into the hearing and stated that its application for dispute resolution and notice of hearing was sent to the Tenant by registered mail but was unable to provide either the tracking number or the date of the registered mail and no affidavit of service had been provided in advance of the hearing.

The Act provides the following requirements for service of the Application

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 landlord was unable to provide sufficient evidence of service such as the tracking number for the registered mail, I dismiss the Landlord's application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

As the Tenant did not attend the hearing to pursue its application I dismiss the Tenant's application without 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: May 19, 2015

Residential Tenancy Branch

