



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the tenant for a monetary order. The tenant participated in the conference call hearing but the landlord did not.

Issue to be Decided

Has the tenant served the Hearing Documents in accordance with the Act?

Background and Evidence

The tenant testified that she served the landlord with the application for dispute resolution and notice of hearing (the "Hearing Documents") via registered letter sent on October 7, 2014. She did not provide a copy of the registered mail receipt into evidence, but provided a tracking number for the letter which proved to be a letter which was sent without requesting a signature.

Analysis

Section 89(1) of the Act provides that Hearing Documents may be sent to another party via registered letter. Section 1 of the Act provides that "**registered mail**" includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available, meaning that a signature is required to collect the letter.

The tenant named 2 respondents in her claim but sent just one letter and did not send the Hearing Documents by a means which required a signature. I am unable to find that either of the respondents has been properly served in accordance with the provisions of section 89 of the Act and I therefore dismiss the claim with leave to reapply.

Conclusion

The claim 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: May 14, 2015

Residential Tenancy Branch

