



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, FF

Introduction and Preliminary Matter

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act ("Act"). The landlord applied for a monetary order for alleged damage to the rental unit and for recovery of the filing fee paid for this application.

The landlord attended; the tenant did not attend the telephone conference call hearing.

At the outset of the hearing, the landlord stated that the tenant was served with their application and notice of hearing via registered mail. In response to my question, the landlord was unable to supply the date the registered mail was sent or to provide a tracking number for that registered mail, explaining that an assistant in their office at the time sent the registered mail. There was not a signed statement from that assistant.

After a delay, the landlord was able to locate a tracking number; however, this number was used to track the mail online and the number showed as being invalid.

Analysis and Conclusion

Section 89(1) of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenant in this case) by leaving it with the person, by sending a copy by registered mail to the address at which the person resides or if a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant.

In the case before me I find that the landlord failed to provide sufficient evidence that the tenant was served the landlord's application by registered mail.

I therefore find the landlord submitted insufficient evidence that they served the tenant their application for dispute resolution and notice of this hearing in a manner required by the *Act* and as a result, I dismiss the landlord's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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: June 18, 2015

Residential Tenancy Branch

