



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 67; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

The landlord did not attend this hearing, which lasted approximately 14 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Tenant's Application

The tenant testified that he served the landlord with his application for dispute resolution hearing package ("Application") by leaving a copy in the landlord's mailbox. The tenant stated that he did not have the correct postal code for the landlord so he personally left a copy in the landlord's mailbox.

During the hearing, I advised the tenant that his Application must be served in accordance with section 89 of the *Act*. I advised the tenant that leaving a copy of the Application in the landlord's mailbox is not permitted under this section.

Section 89 of the *Act* establishes the following special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution...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].*

I find that the tenant has not served the landlord in accordance with section 89(1) of the *Act*. During the hearing, I informed the tenant that I would be dismissing his application with leave to reapply. This liberty to reapply is not an extension of any applicable limitation period.

Conclusion

The tenant's Application for a monetary order for money owed or compensation for damage or loss under the *Act*, *Regulation* or tenancy agreement, is dismissed with leave to reapply.

The tenant's Application to recover the \$50.00 filing fee for this Application is dismissed without leave to reapply. The tenant must bear the cost of his own filing fee for this Application.

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: July 16, 2015

Residential Tenancy Branch

