



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary award and for an order to retain the security deposit. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not attend. The landlord testified that he sent documents, including the application and Notice of Hearing to the tenant by mail. The landlord said that he believed they were sent by ordinary mail, not by registered mail. He said that the mail was not returned to him so he believes that it was delivered.

Analysis and conclusion

Section 89 of the *Residential Tenancy Act* provides that an application for dispute resolution must be given to a person by leaving a copy with the person, or, if the person is a tenant by sending a copy by registered mail to a forwarding address provided by the tenant. The Act defines "registered mail" as follows:

"registered mail" includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.

The method of the delivery chosen by the applicant is not a method authorized by section 89 of the Act and it does not meet the definition of "registered mail" contained in

the Act. Section 89 is mandatory; it provides that an application must be given in one of the ways provided. In the absence of proof of service of the application for dispute resolution, the landlord's 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: July 23, 2015

Residential Tenancy Branch

