



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RP

Introduction

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

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and
- an order to the landlord to make repairs to the rental unit pursuant to section 32.

The landlord did not attend this hearing, although I waited until 0944 in order to enable the landlord to connect with this teleconference hearing scheduled for 0930. The tenants attended the hearing. The tenants were assisted by a translator.

Preliminary Issue – Service of Dispute Resolution Package

The tenant MA testified that she served the landlord with the dispute resolution package by leaving it in the landlord's mailbox. The landlord did not appear.

Service of the dispute resolution package in an application such as the tenants' must be carried out in accordance with section 89 of the Act:

- (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;...

Placing the dispute resolution package in a mailbox does not meet the service requirements of subsection 89(1) of the act. As the landlord was not served with the

dispute resolution package in accordance with the Act, I informed the tenants at the hearing that their application was dismissed with leave to reapply.

The tenants may find *Residential Tenancy Policy Guideline*, “12. Service Provisions” helpful in any subsequent application.

Conclusion

The tenants’ application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable time limit.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: August 18, 2015

Residential Tenancy Branch

