



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

### Introduction

The respondent failed to contact the telephone bridge number at the appointed time for the hearing. The applicant was present and ready to proceed. I waited 10 minutes after the appointed time for the hearing and then proceeded with the hearing. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached.

The agent for the applicant testified he attempted to serve the Application for Dispute Resolution/Notice of Hearing by e-mail. Section 89 of the Residential Tenancy Act provides as follows:

### **Special rules for certain documents**

- 89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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 determine the agent for the applicant has failed to prove sufficient service of the Application for Dispute Resolution/Notice of Hearing on the respondent.

As a result **I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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: September 11, 2015

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Residential Tenancy Branch

