



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CENTURY 21 PRUDENTIAL ESTATES (RMD)  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, MNSD, MNDC, FF, O

### Introduction

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

- a monetary order for unpaid rent, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- authorization to recover their filing fee for this application from the tenant pursuant to section 72; and
- an "other" remedy.

The tenants did not attend this hearing, although I waited until 1342 in order to enable the tenants to connect with this teleconference hearing scheduled for 1330. The landlords attended the hearing. The commercial landlord was represented by its agent, the individual landlord (the landlord). The owners of the rental unit attended.

### Preliminary Issue – Service

The landlord testified that the owners served the tenants with the dispute resolution package by posting the package to the tenants' door.

Service of the dispute resolution package for an application such as the landlords' must be carried out in accordance with subsection 89(1) 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;

...

- (c) by sending a copy by registered mail to the address at which the person resides ...;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;...

Service by posting the dispute resolution package to the tenants' door is not contemplated for the purposes of a monetary order (subsection 89(1) of the Act). The tenants did not attend. On this basis, I find that the landlords have not met the service requirements under the Act. As such, the landlords' application for a monetary order is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable time limit.

### Conclusion

The landlords' 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: October 14, 2015

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Residential Tenancy Branch

