



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

- a monetary order for unpaid rent, for damage to the rental unit, 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; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 1353 in order to enable the tenant to connect with this teleconference hearing scheduled for 1330. The landlord attended the hearing. The landlord was accompanied by his agent.

Preliminary Issue - Service

The agent testified that the landlord served the dispute resolution package by registered mail on 16 May 2015. The agent provided me with a Canada Post tracking number for this mailing. The agent testified that the mailing was sent to the tenant's parents' address. The agent testified that the tenant lived with his parents immediately before entering into this tenancy. The agent testified that she spoke with persons from a repossession agency who spoke with the tenant's parents who said that they would pass on the repossession information to their son. The agent testified that the tenant's parents' address is the same address the tenant uses on his cheques.

Service of the dispute resolution package in an application such as the landlord's must be carried out in accordance with subsection 89(1) of the Act:

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

I have not been provided with sufficient evidence that would indicate that the tenant is living at his parents' address. The address was not provided as the tenant's forwarding address. Accordingly, the landlord has failed to serve his dispute resolution package in accordance with the Act. On this basis, the landlord's application is dismissed with leave to reapply.

The landlord may wish to consider an application for substituted service.

Conclusion

The landlord's application is dismissed with leave to reapply. Leave to reapply is not an extension of the two-year time limit established in section 60 of the Act.

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 23, 2015

Residential Tenancy Branch

