



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD

Introduction

This is an application brought by the tenant requesting a Monetary Order in the amount of \$6966.74; however it is my decision that I will not proceed with the hearing, because the tenant has not served the landlord with the notice of hearing, nor the amended application for dispute resolution in a method required under the Residential Tenancy Act.

Section 89 of the Residential Tenancy Act states:

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*].

In this case the applicant/tenant sent the documents to the dispute address; however the landlord does not reside at that address, and that is not the address at which the

landlord carries on business, and the landlord testified that she has not received the amended application.

If the applicant/tenant wishes to proceed with this claim the applicant will have to refile her application and serve the landlord by one of the methods required under the Residential Tenancy Act.

Conclusion

This application is dismissed in full, 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: November 18, 2015

Residential Tenancy Branch

