



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CONNAUGHT MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, MNDC, MND, FF

Introduction

This matter dealt with an application by the Landlord for compensation for damage to the unit, site or property, for unpaid rent, to retain the Tenant's security deposit, for loss of damage under the Act, regulations or tenancy agreement and to recover the filing fee for this proceeding.

The Landlord said the application was made on September 8, 2015 and the Landlord served the Tenant with the Application and Notice of Hearing (the "hearing package") by personal delivery to a third party at the Tenant's place of work. The Landlord said the Tenant was served the hearing package on January 15, 2016. As well the Landlord submitted a letter confirming the date and method of service to the Tenant by the Landlord.

Based on the evidence of the Landlord, I find that the Tenant was not served with the Landlord's hearing package as required by s. 89 of the Act. Service of the Hearing package is to be within 3 days of filing an application and in this situation the Hearing package was service approximately 4 months after filing. Further serving a third party at the respondent's place of work is not a method of service required by the Act. The Tenant did not attend the hearing so she may not have received the hearing package. It is unknown if the Tenant received the Landlord's hearing package. Consequently, I dismiss the Landlord's application due to incorrect service of the Application and Notice of Hearing (the "Hearing package").

Conclusion

The Landlord's application is dismissed 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: March 08, 2016

Residential Tenancy Branch

