



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNSD, FF

### Introduction

This is an application brought by the tenant(s) requesting a monetary order in the amount of \$2400.00, and recovery of her \$50.00 filing fee.

The applicant testified that the respondent was served with the application for dispute resolution and notice of the hearing by regular mail, in a large brown envelope; however the respondent did not join the conference call that was set up for the hearing.

### Decision in reasons

It is my finding that the applicant has not been served with notice of hearing in a method required by 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*].

As stated above, in this case the applicant has testified that the notice of hearing and application for dispute resolution were served on the respondent by regular mail, and not by registered mail as required.

Since the respondent did not appear at today's hearing, I am not willing to allow this claim to move forward; however I am willing to dismiss it with leave to reapply. The applicant will therefore be allowed to reapply and serve the respondent by a method allowed 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: April 18, 2016

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Residential Tenancy Branch