



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SANDHILL PROPERTIES INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR

Introduction

This hearing dealt with the landlord's application for a monetary order for unpaid utilities pursuant to section 67 of the *Residential Tenancy Act* (the Act).

The tenant/landlord did not attend this hearing, although I waited until *** in order to enable the tenant/landlord to connect with this teleconference hearing scheduled for ***. The landlord/tenant attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Preliminary Issue – Service

The landlord testified that he served the tenants with the dispute resolution package on 18 December 2015 by way of a foreign country's postal service to the corporate tenant's registered office.

Service of the dispute resolution package for an application such as the landlord's must be carried out in accordance with section 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;
 - (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;...

“Registered mail” is defined in section 1 of the Act:

“registered mail” includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available;

The landlord sent the dispute resolution package by way of mail service other than Canada Post and used the corporate records office of the corporate tenant. This is not an acceptable means of service as prescribed by subsection 89(1) of the Act. The date of service was prior to 29 June 2016 and is not covered by the Director’s plenary order of 29 June 2016. As the landlord was unable to prove service in accordance with the Act, the landlord’s application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable time limit.

The landlord may find *Residential Tenancy Policy Guideline*, “12. Service Provisions” helpful in any subsequent application.

Pursuant to subsection 60(1) of the Act the landlord has two years from the end date of the tenancy to commence an application to recover amounts from the tenants.

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 subsection 9.1(1) of the Act.

Dated: July 15, 2016

Residential Tenancy Branch

