



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD, MNDC

Introduction

This is an application brought by the tenant requesting a monetary order in the amount of \$2500.00; however no hearing was held because the applicant has not provided sufficient evidence to show that the respondents were served with notice of today's hearing.

The applicant testified that the notice of hearing documents were sent to the dispute address, and not to the landlords personal address or business address.

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; (my emphasis)

(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*].

It is my finding therefore that the tenant has not served the landlord's with notice of hearing in one of the methods required under section 89 of the Act. I am therefore

unwilling to proceed with the hearing, especially since the documents mailed to that address were both returned to the tenant unclaimed.

Conclusion

This 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: July 04, 2016

Residential Tenancy Branch