



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, SS, FF

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (“*Act*”), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement, pursuant to section 67;
- an order for substituted service of documents, pursuant to section 71; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 17 minutes. The landlord and her English language interpreter, KL (collectively “landlord”) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Landlord’s Application

The landlord testified that she did not know the date or method by which the tenant were served with the landlord’s application for dispute resolution hearing package (“Application”). The landlord said that she thought the Application was served on November 26, 2015, but that was before the Application was filed on March 1, 2016.

The landlord then said the Application was served on March 2, 2016 by registered mail, but was unable to provide a Canada Post receipt or tracking number to confirm service. The landlord only produced a Canada Post receipt and tracking number for documents served to the tenant November 26, 2015.

According to Residential Tenancy Policy Guideline 12:

Proof of service by Registered Mail should include the original Canada Post Registered Mail receipt containing the date of service, the address of service, and that the address of service was the person's residence at the time of service, or the landlord's place of conducting business as a landlord at the time of service as well as a copy of the printed tracking report.

As the landlord was unable to provide a Canada Post receipt or a verbal tracking number during the hearing, I find that the tenant was not served with the landlord's Application as required by section 89 of the *Act*.

At the hearing, I advised the landlord that her Application to recover the \$100.00 filing fee was dismissed without leave to reapply and the remainder of her Application was dismissed with leave to reapply. I notified the landlord that she could file a new application for dispute resolution and pay a new filing fee if she wished to pursue this matter further.

Conclusion

The landlord's Application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of 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: July 18, 2016

Residential Tenancy Branch