



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for money owed or compensation for damage or loss under the Act, to obtain an order of possession of the rental unit and to recover the filing fee.

The tenant attended the hearing. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified that the Application for Dispute Resolution and Notice of Hearing were placed in the mailbox, which there was a security guard onsite that witnessed this. The tenant indicated that there was a fire in the building due to arson.

Special rules for certain documents

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;

...

In this case, I am not satisfied that the landlord has been sufficiently served as required by section 89 of the Act, as the tenant did not serve the documents in a method permitted under the Act. Therefore, I dismiss the tenant's application 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 *Manufactured Home Park Tenancy Act*.

Dated: August 16, 2016

Residential Tenancy Branch