



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MND; MNR; MNSD; MNDC; FF

Introduction

This Hearing was scheduled to consider the Landlord's Application for Dispute Resolution for a monetary award for unpaid rent, unpaid utilities and damages to the rental unit; to apply the security deposit towards his monetary award; and to recover the cost of the filing fee from the Tenant.

This matter was set for Hearing at 1:30 p.m., October 17, 2016. The Landlord signed into the Hearing and gave affirmed testimony. The telephone conference was monitored for 15 minutes, but the Tenant did not sign into the conference.

The Landlord testified that his mother served the Tenant with the Notice of Hearing documents by leaving the documents at the Tenant's place of employment. He stated that "they signed for it". The Landlord also stated that the Tenant gave her work address on the lease at the beginning of the tenancy under "employment information".

Section 89 of the Act sets out the ways in which parties must be served with an Application for Dispute Resolution. There is no provision in Section 89 for service at a tenant's place of employment.

Section 5 of the Act provides that landlords and tenants may not contract out of the Act and that any attempt to do so is of no force or effect.

I explained that the Landlord, after attempting to serve the Tenant in accordance with Section 89, could make an application for substituted service.

I find that the Landlord provided insufficient proof of service, and therefore his 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: October 17, 2016

Residential Tenancy Branch