



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for unpaid rent and utilities. The tenant did not appear at the hearing. The landlord testified that he tried to give the hearing package to the tenant's son on May 31, 2016 but the tenant's son declined to accept it. According to the landlord the tenant's son told the landlord that if he put the documents in the mail slot his mother would receive it. The landlord proceeded to put the hearing package in a slot in the rental unit door in the presence of two other people. The landlord acknowledged that the tenant did not respond to the hearing package left for her. Nor, did she leave a forwarding address when she vacated later that night. The landlord stated that he also attempted to serve the tenant with additional evidence at her place of employment on November 14, 2016 but learned the tenant had since been fired.

Dispute resolution proceedings are based on the principles of natural justice. Natural justice requires that a respondent be informed of the nature of the claim and the monetary amount being sought against them so as to provide the respondent the opportunity to respond or defend herself. This is one of the primary purposes for serving the Application for Dispute Resolution and the Notice of Hearing upon the respondent.

Where a respondent does not appear at a hearing, the applicant must be prepared to prove service occurred in a manner that complies with the Act. An applicant must serve an application that pertains to a monetary claim in accordance with section 89(1) of the Act. Section 89(1) provides that the respondent is to be served in person; by registered mail to an address that is the tenant's forwarding address or the tenant's address of residence at the time of mailing; or, using another method so ordered by the Director.

In this case, the landlord did not serve the hearing package to the tenant in person, or by registered mail and did not have an Order for Substitute Service that would permit

service in another way. Leaving an application for a monetary claim with another person or in a mail slot is not sufficient service under section 89(1).

In light of the above, I declined to proceed to hear the claims against the tenant and the landlord's application was dismissed with leave to reapply. The landlord remains at liberty to file another application within the statutory time limit for filing so as to serve the tenant in one of the manners that complies with section 89(1) of the Act.

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: November 17, 2016

Residential Tenancy Branch