



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for damage to the rental unit pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not participate in the conference call hearing. The landlord's agent (the "landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed she was an agent of the landlord's company named in this application, and had authority to speak on its behalf.

### Preliminary Issue – Late Evidence & Service of Application

The landlord testified that on July 27, 2016 the landlord's application for dispute resolution and evidence (the "hearing package") was forwarded to the tenant via registered mail. The landlord explained that this address was obtained through the Ministry of Social Assistance. This hearing package was signed for on August 2, 2016, but not by the tenant.

On October 13, 2016, the landlord contacted the Ministry of Social Assistance and obtained an alternate address for the tenant. On October 14, 2016, the landlord mailed the hearing package via registered mail to this newly obtained address. This hearing package was signed by an individual other than the tenant.

Section 89 of the *Act* establishes that documents served on a tenant via registered mail must be sent to the place where the tenant resides. The landlord has failed to provide sufficient evidence that establishes the addresses obtained by the landlord are that of the tenant's residence. For this reason, I find that the landlord has not served the

application for dispute resolution to the tenant as required under the *Act* and dismiss the landlord's application.

Conclusion

I dismiss the landlord's entire application with leave to re-apply.

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: January 26, 2017

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Residential Tenancy Branch