



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

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

- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord did not participate in the conference call hearing, which lasted approximately 30 minutes. Tenant KC (the "tenant") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Application

The tenant testified that on September 29, 2016 she forwarded the tenant's application for dispute resolution hearing package via courier to the landlord. The tenant provided a courier receipt and tracking number as proof of service.

Section 89 of the *Act* establishes that when a tenant serves an application for dispute resolution pertaining to a monetary order it must be served by leaving it directly with the landlord or by registered mail. Residential Tenancy Policy Guideline # 12 "Service Provisions," defines registered mail as any method of mail delivery provided by Canada Post that confirms delivery to a named person.

Based on the tenant's testimony that the application was sent via courier and in the absence of an application for substituted service, I find that the tenant has not served the application for dispute resolution to the landlord as required under the *Act*.

Conclusion

I dismiss the tenant'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: February 10, 2017

Residential Tenancy Branch

