



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MNDC MNR MNSD O OLC

Introduction

This hearing was convened in response to applications by the tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The application from the tenant requested:

- an Order of Possession for non-payment of rent and utilities pursuant to section 55 of the *Act*;
- a Monetary Order pursuant to section 67 of the *Act* for unpaid rent and for money owed for damage or loss under the *Act*;
- authorization to retain the security deposit pursuant to section 72 of the *Act*; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72 of the *Act*.

Analysis – Service of Documents

The landlord did not attend this hearing, which lasted approximately 10 minutes. Tenant, S.F. attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant stated that on February 9, 2017 he attended the landlord’s workplace and handed his Tenant’s Application for Dispute Resolution (“Tenant’s Application”) to a co-worker of the landlord. He explained that he was informed that the landlord was “on a smoke break” and was therefore out of the office. The tenant witnessed the co-worker place the Tenant’s Application on the landlord’s keyboard.

While I appreciate the efforts that the tenant has made to serve the landlord. Handing the Tenant’s Application to a person’s co-worker is not a recognized form of service under section 89 of the *Act*. Furthermore, the *Residential Tenancy Policy Guideline #12* notes “Personal service where a tenant is personally serving a landlord [requires that] the tenant must serve a document by leaving a copy of it with the landlord or an agent of the landlord...this requires physically handing a copy of the document to the person

being served. If the person declines to take the document, it may be left near the person so long as the person serving informs the person being served of the nature of the document being left near them.”

I am not satisfied that the tenant served notice of this dispute resolution hearing documents to the landlord as required by section 89 of the *Act*. For this reason, the tenant’s application is dismissed with leave to reapply.

Conclusion

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 *Residential Tenancy Act*.

Dated: March 27, 2017

Residential Tenancy Branch