



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC MNSD

### Introduction

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

- a Monetary Order for money owed or compensation for damage or loss under the *Act* pursuant to section 67; and
- an Order for a return of the security deposit pursuant to section 38 of the *Act*;

Only the tenant participated in the conference call hearing. The tenant was given full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant testified that on February 7, 2017 she sent by XpressPost a copy of the Tenant's Application for Dispute Resolution Package and a copy of her evidentiary package. She informed that approximately 1 week after having sent this package, the documents were returned to her by Canada Post.

While I appreciate the efforts that the tenant has made to serve the landlord. Sending a document by XpressPost is not a recognized form of service under section 89 of the *Act*. Section 89 states:

**89 (1)** An application for dispute resolution...when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by **sending a copy by registered mail** to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

I am not satisfied that the tenant served notice of this dispute resolution hearing 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 29, 2017

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Residential Tenancy Branch