



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for a monetary order for compensation for unpaid rent, damage or loss under the Act, regulation or tenancy agreement pursuant to section 67.

The tenant did not attend this hearing, which lasted approximately 20 minutes. 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 testified that he served the landlord's Application for Dispute Resolution dated March 7, 2017 by sending a copy by registered mail to, what he believes is the tenant's employer's address. The landlord testified that the tracking system shows the application as having been delivered and signed by a co-worker of the tenant. The landlord testified that he similarly sent an Amendment to the Application for Dispute Resolution dated March 9, 2017, by registered mail to the business address.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation for damages and loss as claimed?

### Analysis-Service of Landlord's Application

Section 89(1) of the Act establishes the following Special rules for certain documents, which include an application for dispute resolution for a monetary award:

*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;*
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;*
- (e) as ordered by the director under section 71(1) [director's orders: delivery and service of document]...*

The landlord testified that as the tenant had not provided a forwarding address, they delivered the landlord's application to a business address where they believed the tenant is employed. The landlord testified that he believes the tenant received both the initial application and the amendment because the online Canada Post tracking system shows that someone received the materials at the business office. However, this is not a manner of service accepted under the *Act*. The landlord has not served the tenant in a manner required by section 89(1) of the *Act* therefore, I am not satisfied that the tenant was properly served with the application for dispute resolution.

### Conclusion

I dismiss the landlord'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: May 23, 2017

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Residential Tenancy Branch