



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, O

Introduction

This is an application brought by the tenant requesting a monetary order in the amount of \$4388.91.

The applicant testified that the respondent was served with notice of the hearing by regular mail, not registered mail; however the respondent did not join the conference call that was set up for the hearing.

Section 89 of the Residential Tenancy Act states:

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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 (My emphasis)** 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 documents*].

Since the applicant failed to comply with the service requirements, and sent the documents by regular mail instead of registered mail, I am not willing to proceed with the hearing in the absence of the respondent.

Pursuant to section 62 of the Residential Tenancy Act, this application has been dismissed with leave to reapply.

If the applicant wishes to proceed with a claim against the respondent the applicant will have to reapply for dispute resolution, and ensure that the documents are served on the respondent in compliance with section 89 of the act.

Conclusion

This application has been dismissed 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 24, 2017

Residential Tenancy Branch