



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNSD, O, OLC RRP

Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. A monetary order in the sum of \$1498.38
- b. An order for the return of the security deposit
- c. An order for the return of the tenant's personal belongings
- d. An order that the landlord comply with the Act, regulations and/or tenancy agreement.
- e. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The applicant testified she served the respondent by mailing, by registered mail to where he works. She testified he texted her acknowledging receipt.

The Residential Tenancy Act provides that where a party is seeking a monetary order it must be served either by personal service or by registered mail to where the respondent resides or if the respondent is a tenant by registered mail to the respondent's forwarding address.

It does not permit service by registered mail to where the respondent works unless there is an order of substituted service permitting this type of service.

Further the tenant failed to prove service by registered mail.

Policy Guideline 12 includes the following:

Proof of service by Registered Mail should include the original Canada Post Registered Mail receipt containing the date of service, the address of service, and that the address of service was the person's residence at the time of service,

or the landlord's place of conducting business as a landlord at the time of service as well as a copy of the printed tracking report.

The tenant failed to produce the registered mail receipt and failed to produce the text message of the landlord acknowledging service. I determined the Tenant failed to prove that she has sufficiently served the landlord in accordance with the Residential Tenancy Act.

Accordingly, **I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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: June 26, 2017

Residential Tenancy Branch