



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COLDWELL BANKER PRESTIGE REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC FF

Introduction

This hearing addressed the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for a Monetary Order for compensation for loss under the *Act*.

The home's owner, named in the tenant's application as , A.J.L., did not participate in the conference call hearing. A.J.L.'s former agent, J.Y. attended the hearing, along with the tenant. Both were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset of the hearing J.Y., asked to be removed from the proceedings. J.Y. explained that he was a former employee of A.J.L., but no longer had any involvement with A.J.L. The tenant did not dispute this, and acknowledged that any monetary award issued, should be directed against A.J.L.

The tenant testified that he individually served the landlords with the tenant's Application for Dispute Resolution ("Application for Dispute Resolution") by Regular Mail on May 9, 2017. This is not a recognized form of service under the *Act*.

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

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 tenant has not served the property owner and landlord, A.J.L. in a manner required by section 89(1) of the *Act*. While the former agent for the named landlord, J.Y. attended the hearing, undisputed testimony was given by J.Y. that his company no longer acted as agent for the landlord. Furthermore, the tenant sent his application for dispute resolution and monetary to the landlords by way of Regular Mail. I am not satisfied that the property owner, A.J.L. was properly served with the tenant's Application.

As the tenant was unsuccessful in his application, he must bear the cost of the \$100.00 filing fee.

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: July 25, 2017

Residential Tenancy Branch