



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

MND; MNR; MNSD; MNDC; FF

### Introduction

This is the Landlord's Application for Dispute Resolution seeking a monetary award; to set off the security deposit in partial recovery of her monetary award; and to recover the cost of the filing fee from the Tenant.

This matter was scheduled to be heard by teleconference on July 5, 2017, at 1:30 p.m. The teleconference remained open for 12 minutes, but the Tenant did not sign into the teleconference.

The Landlord gave affirmed testimony at the Hearing. She testified that the Tenant did not leave a forwarding address, so the Landlord personally delivered the Notice of Hearing documents to "a secretary" at the Tenant's place of employment.

Section 89 of the Act provides for the various ways a respondent may be served with the Notice of Hearing documents. The method used by the Landlord is not included in Section 89 of the Act. Furthermore, I find that there is insufficient evidence that the secretary gave the Notice of Hearing documents to the Tenant (for example, the secretary's Affidavit attesting to such delivery of the documents), and therefore I do not find that the Tenant was sufficiently served pursuant to the provisions of Section 71 of the Act.

### Conclusion

The Landlord's Application is 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: July 10, 2017

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Residential Tenancy Branch