



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MNDC MNSD OLC FF

### **Introduction**

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order for compensation for loss or other money owed under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to obtain a return of all or a portion of his security deposit pursuant to section 38.
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

### **Preliminary Issue - Service of the Application for Dispute Resolution**

While the tenant attended the hearing by way of conference call, the landlord did not. The tenant testified during the hearing that they were not able to provide details for how the landlord was served with the tenant's Application.

Section 89 of the *Act* establishes the following special rules for service of documents.

### ***Special rules for certain documents***

**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 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].*

*(2) An application by a landlord under section 55 [order of possession for the landlord], 56 [application for order ending tenancy early] or 56.1 [order of possession: tenancy frustrated] must be given to the tenant in one of the following ways:*

*(a) by leaving a copy with the tenant;*

*(b) by sending a copy by registered mail to the address at which the tenant resides;*

*(c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;*

*(d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;*

*(e) as ordered by the director under section 71 (1) [director's orders: delivery and service of documents].*

I find that the tenant has not met the requirements of sections 88 and 89 of the *Act* for service of their Application. Accordingly, I dismiss the tenant's entire application with leave to reapply.

### **Conclusion**

I dismiss the tenant's entire application for dispute resolution 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: September 21, 2017

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Residential Tenancy Branch