



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: FF MNR

Introduction

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

- a monetary order for unpaid rent and utilities pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 2:11 p.m. in order to enable her to connect with this teleconference hearing scheduled for 2:00 p.m. The landlord RB testified in this hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

Preliminary Issue - Service of Application for Dispute Resolution

The landlord RB testified during the hearing that she was not provided a forwarding address by the tenant, and her whereabouts are unknown. The landlord had attempted to serve the tenant by way of sending this Application for Dispute Resolution to the address for this tenancy in hopes that it would be forwarded to the tenant's new address, but the package was not picked up by the tenant.

Section 89(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution for a Monetary Order.

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;...

At the hearing, I advised the landlord of my finding that I was not satisfied that the tenant was served in a manner required by section 89(1) of the *Act*. For this reason, I cannot consider the landlords' application for a Monetary Order. I am not satisfied that the tenant was properly served with any portion of the landlords' application for dispute resolution.

As the landlords' application for a Monetary Order has not been served to the tenant in a method required under section 89(1) of the *Act*, I dismiss the landlords' application for a monetary Order with leave to reapply.

Conclusion

I dismiss the landlords' entire 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: September 1, 2017

Residential Tenancy Branch