



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MNDC FF

### **Introduction**

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

- a monetary order for compensation for loss or money owed under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

While the tenant attended the hearing by way of conference call, the landlord did not.

### **Preliminary Issue - Service of Documents**

The tenant testified during the hearing that he served the landlord the application by way of regular mail, but the letter was returned to him. The tenant included this returned letter in his evidence.

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

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

### **Conclusion**

I dismiss the tenant's 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 12, 2017

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Residential Tenancy Branch