



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNR MNDC FF O

### **Introduction**

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The landlord requested:

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

The tenant requested:

- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

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

The tenant testified during the hearing that she had attempted to serve the landlord her application for dispute resolution by knocking on the landlord’s door, but there was no answer. The tenant served her application by leaving it on the screen door.

The landlord testified during the hearing that she had served the tenant with her application for dispute resolution by registered mail to an address obtained through a friend. The tenant provided undisputed testimony in the hearing that she had never provided her forwarding address to the landlord, and the tenant testified in the hearing that she had not received any portion of the landlord’s application or 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 both parties of my finding that neither the landlord nor the tenant had served each other with their applications in a manner required by section 89(1) of the *Act*. For this reason, I cannot consider either application for a Monetary Order. I am not satisfied that either party was properly served with each other's' applications for dispute resolution.

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

### **Conclusion**

I dismiss both applications 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 29, 2017

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Residential Tenancy Branch