



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF MNDC MNR MND

### Introduction

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

- a Monetary Award pursuant to section 67 of the *Act* for unpaid utilities, and for money owed for damage or loss under the tenancy agreement, as well as for damage to the unit; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72 of the *Act*.

Only the landlord attended the hearing. The landlord was given a full opportunity to call witnesses, present testimony and to make submissions.

The landlord explained that she had sent the tenant a copy of her application for dispute resolution and evidentiary package by way of Canada Post Registered Mail, “a couple of weeks after her moving out.” The landlord could not provide a Canada Post tracking number to the hearing, nor was she able to confirm receipt of the package by the tenant. The landlord testified that she thinks the tenant was served with the landlord’s application for dispute resolution hearing package but she was not sure about the date it would have been received.

The landlord stated that the tenant did provide a forwarding address when she vacated the rental unit and that the landlord determined this address to be a Post Office Box. She said that she sent her application for dispute to this Post Office Box.

*Residential Tenancy Policy Guideline #12 states:*

*Proof of service by Registered Mail should include the original Canada Post Registered Mail receipt containing the date of service, the address of service, as*

*well as a copy of the printed tracking report. Where a landlord is serving a tenant by Registered Mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant.*

As the landlord was unable to provide an exact date of service, a Canada Post receipt or a verbal tracking number during the hearing, I find that the tenant was not served with the landlord's application as required by section 89 of the Act.

### Conclusion

The landlord's application for a monetary award pursuant to section 67 and to recover the filing fee pursuant to section 72 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: November 7, 2017

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Residential Tenancy Branch