



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 landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for unpaid rent, damage or loss under the Act, regulation or tenancy agreement 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. The landlord attended and was given full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the landlord's application for dispute resolution dated June 13, 2017 was served on the tenant by a process server. The process server did not attend the hearing to testify in regards to service. The landlord said that the process server provided her with an affidavit of service but it was not submitted into written evidence. The landlord did not provide any further details regarding service.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for damage and loss as claimed?

Analysis-Service of Landlords' Application

Section 89(1) of the Act establishes the following Special rules for certain documents, which include an application for dispute resolution for a monetary award:

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

The landlord testified that the application was served by a process server but did not provide any further details or information about service. The landlord did not submit a copy of the affidavit of service by the process server into written evidence. The landlord did not provide information about what process service company was used, the identity of the process server or any information about when or how service was completed. Under the circumstances I am not satisfied that the tenant was properly served with the application for dispute resolution.

Conclusion

I dismiss the landlord's 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: November 30, 2017

Residential Tenancy Branch