



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the tenant for a monetary order pursuant to the *Residential Tenancy Act* (the Act).

The tenant attended the conference call hearing but the landlord did not. The tenant testified that they sent the landlord the notice of Hearing package by registered mail to the dispute address - which the tenant previously occupied. The tenant claims they do not have the address of where the landlord resides. The tenant did not employ another method to serve the landlord in accordance with the Act.

Section 89 of the Act states as follows (**emphasis mine**)

Special rules for certain documents

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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 documents*].

I am not satisfied the landlord was served with notice of this hearing pursuant to Section 89 of the Residential Tenancy Act, or that the landlord is aware of this proceeding.

Therefore, **I dismiss** the tenant's application, but I do so with leave to reapply. None of the potential merits of this application were heard.

Conclusion

The tenant's application **is dismissed**, *with leave to reapply*.

This Decision is final and binding.

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: January 02, 2018

Residential Tenancy Branch