



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** MNR FF

### **Introduction**

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the Act") for an Order of Possession for:

- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72 .

While the landlord attended the hearing by way of conference call, the tenant did not. The landlords were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### **Preliminary Issue - Service of the Application for Dispute Resolution**

The landlord testified during the hearing that the tenant was served with their Application by way of Registered Mail to the tenant at an address obtained through a private investigator. The landlord did not provide any statements, affidavits, or witness testimony to support that the package was sent to the tenant's actual forwarding address. Since the tenant had moved out, the tenant has not provided a forwarding address to the landlord.

The landlord had attempted to serve the tenant by registered mail to an address obtained by the landlord, but the package was returned to the landlord

Section 89 of the *Act* establishes the following special rules for service of documents.

### ***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 find that the landlord has not met the requirements of section 89 of the *Act* for service of their Application. Accordingly, I dismiss the landlord's entire monetary application.

### **Conclusion**

I dismiss the landlord's entire application for dispute resolution 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: March 27, 2018

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Residential Tenancy Branch