



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

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

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for damages to the unit - Section 67;
3. A Monetary Order for compensation - Section 67;
4. An Order to retain the security deposit - Section 38; and
5. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. The Landlord was unable to provide oral evidence that each Tenant was served with the application for dispute resolution and notice of hearing (the “Materials”) by registered mail. The Landlord was able to confirm that the Materials were sent on October 19, 2017. The Landlord did not provide any documentary evidence of service prior to the hearing. The Landlord confirmed that the Materials were returned to the Landlord. Given the Landlord’s confusion on how the Materials were served, the Landlord was given to the end of the day on May 15, 2018 to submit receipts to support the service of the Materials. The Landlord submitted, on time, a copy of a postal receipt indicating one package was mailed by express post. The Landlord provided a copy of the returned package and the addressee’s name and address on the package cannot be discerned. While the postal receipt indicates a signature was required, there is no indication of whether the required signature was from the package addressee or from anyone who might collect the package at the address on the package.

Section 89(1) of the Act provides that, without an alternate service order from an arbitrator, an application for dispute resolution must be given to each named tenant in one of the following ways:

- by leaving a copy with the person;
- by sending a copy by registered mail to the address at which the person resides;
or
- by sending a copy by registered mail to a forwarding address provided by the tenant.

Residential Tenancy Branch Policy Guideline #12 indicates that registered mail includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available. As the Landlord only sent one package, as the name on the package cannot be determined, as the method of service was not by registered mail, as there is no evidence that a signature upon delivery of the materials was required from either named Tenant or simply from a person at the address at the time of delivery, and as the Tenants did not receive the package, I cannot find that service has been accomplished in accordance with Section 89 of the Act. I therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

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: May 16, 2018

Residential Tenancy Branch