



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S / FFL

Introduction and Preliminary Matters

On April 20, 2018, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) requesting a Monetary Order for Rent and for the security deposit to be applied to the claim and to recover the cost of the Filing Fee. The matter was set for a participatory hearing via conference call.

The Landlord attended the conference call hearing; however, the Tenant did not. The Landlord testified that she served the Tenant with the Notice of Hearing (the “Notice”) by posting it to the Tenant’s door on April 25, 2018.

Section 89(1) of the Act provides guidance for parties with regards to service of certain documents including an Application for Dispute Resolution and the Notice of Hearing. The Notice must be given in one of the following ways; by leaving a copy with the Tenant (personal service); or, by sending a copy by registered mail to the address at which the Tenant resides.

The Tenant did not appear at this hearing and the Landlord did not provide evidence that the Notice was served in the manner required by Section 89(1) of the Act. The Landlord’s Application is for a monetary award and the posting of the Notice to the Tenant’s door is not an acceptable form of service. Although I heard submissions regarding the Landlord’s Application, I am not able to proceed with a decision as I am not satisfied that the Tenant was properly served with the Application for Dispute Resolution or Notice of Hearing. As a result, this Application is dismissed with leave to reapply.

Conclusion

The Landlord's Application for Dispute Resolution requesting a Monetary Order for Rent and for the security deposit to be applied to the claim and to recover the cost of the Filing Fee 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: June 04, 2018

Residential Tenancy Branch