



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND FF

This hearing dealt with the Landlord's Application for Dispute Resolution, made on March 20, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage to the unit, site, or property; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by T.C., an agent, who provided affirmed testimony. The Tenant did not attend the hearing.

On behalf of the Landlord, T.C. testified the Application package was served on the Tenant by leaving a copy attached to the door of his rental unit on March 21, 2018.

Section 89 of the *Act* confirms an application for dispute resolution, when given by a landlord, must be served on a tenant by leaving a copy with the person, by registered mail to the address at which the person resides, or by registered mail to a forwarding address provided by the tenant. This heightened requirement increases procedural fairness by ensuring the opposing party has received notice of the proceeding and has been given an opportunity to participate in a meaningful way. In this case, the Tenant was served with the Application package by attaching a copy to the door of the Tenant's rental unit. I find the Tenant was not served with the Application package in accordance with section 89 of the *Act*. As a result, I dismiss the 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: June 12, 2018

Residential Tenancy Branch