



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MND FF

Introduction

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

- a monetary award pursuant to section 67 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Only the landlord's agent, L.M. (the "landlord") appeared at the hearing.

The landlord said that the landlord's application for dispute along with the evidentiary package was sent to the tenant's suspected place of employment in Australia by way of Canada Post XpressPost. The landlord said that she followed up her posting of the documents with a phone call to the employer who confirmed that a person with the same name as the tenant worked at the office. The landlord explained that she strongly suspected this person was her former tenant because she had obtained the tenant's employment information from Facebook and LinkedIn.

Analysis

89(1) An application for dispute resolution...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 document]...

The landlord has not sufficiently demonstrated that she served the tenant with the application for dispute in a manner allowed and required by section 89(1) of the *Act*. The landlord may wish to contact an Information Officer with the *Residential Tenancy Branch* to obtain information on how to serve documents via Substituted Service.

As the landlord was unsuccessful in his application, she must bear the cost of the \$100.00 filing fee.

Conclusion

I dismiss the landlord's 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 25, 2018

Residential Tenancy Branch