



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDLS MNRLS FFL

### Introduction

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

- a Monetary Order for unpaid rent and damages pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this teleconference hearing, which lasted approximately 10 minutes. The line remained open throughout the hearing. The landlord attended and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the landlord's application for dispute resolution dated November 9, 2017 was sent to the tenant at the forwarding address they provided by registered mail on or about that date. The landlord was unable to provide a tracking number as evidence of service.

### Issue(s) to be Decided

Is the landlord entitled to a monetary award as claimed?

Is the landlord entitled to recover the filing fee for this application from the tenant?

### Analysis-Service of Landlord's Application

Section 89(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution for a monetary award:

*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 testified that the tenant had provided a forwarding address and they sent the application for dispute resolution to that address by registered mail on or about November 9, 2017. No Canada Post tracking number was submitted into evidence. The landlord said that they believe the tracking information may be in storage with other documents. Furthermore, while the landlord testified that the tenant had provided a forwarding address on or about October 27, 2017, no copy of correspondence showing the tenant providing a forwarding address was submitted into evidence.

In the absence of documentary evidence in support of the landlord's testimony I find that there is insufficient evidence to conclude that the landlord served the tenant by registered mail. I am not satisfied that the tenant was properly served with the application for dispute resolution. Consequently, I dismiss the present application with leave to reapply.

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 20, 2018

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Residential Tenancy Branch