



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNDCT FF

Introduction

This hearing was convened pursuant to the tenant's application filed April 07, 2018 for a monetary order. The tenant and the landlord participated in the teleconference hearing.

Preliminary Issue – Service of Documents

In the hearing the landlord stated they did not receive the tenant's application and notice of hearing in this matter. They came to know of an application by the tenant October 11, 2018, 10 days before the hearing and upon consulting the Branch they were given the access codes into the teleconference hearing. They sent the tenant some evidence the week before the hearing by priority mail which the tenant claims they have not received.

The tenant claims they served the landlord with the Notice of Hearing package by "postal order" which they equated to a form of assured delivery service similar to registered mail. The tenant did not know when they sent it nor were able to produce a tracking number or similar evidence for the mailing. The landlord testified they have never received registered mail from the tenant or other mail requiring their signature nor any notice of such mail being held for their attention following attempted delivery.

In part, under sections 89 of the Act, a party may serve the application and notice of hearing via the postal service solely by *registered mail* and must provide sufficient evidence of the service. Upon such verification the registered mail is deemed received by the intended recipient 5 days after it is sent.

I am not satisfied the tenant served the landlord for this matter as prescribed by the Act and as instructed by the Branch. I found that the tenant did not properly serve the

landlord with any of the documents they were required to serve the respondent within 3 days of receiving the Notice of Hearing documentation. As a result I **dismissed** the tenant's application in its entirety.

Conclusion

The tenant's application is dismissed with leave to reapply.

This Decision is final and binding.

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: October 22, 2018

Residential Tenancy Branch