



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, OPC, OPN, OPR, FF

This hearing was convened in response to an application for dispute resolution made on September 6, 2018 by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order for Possession - Section 55; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. The Landlord states that the Tenant was served with the application for dispute resolution and notice of hearing (the “Materials”) by placing the Materials in the mail box. The Landlord was not able to provide any date for that service. The Landlord states that the date of service was forgotten and that the Landlord does not know what date the Materials were given to the Tenant. The Landlord also states that she was told she could post the Materials on the door and that this was done in August 2018. The Landlord’s memory was refreshed on the date that the Landlord made the application and the date that the Residential Tenancy Branch (the “RTB”) sent the Materials to the Landlord with service instructions. The Landlord was still not able to provide a date for that service.

Section 89(1) of the Act provides that an application for dispute resolution must be served in one of the following methods:

- (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 documents*].

As the application for dispute resolution includes a monetary claim, as the Landlord has not provided evidence or has provided inconsistent evidence of the date that the Materials were served, and as the Landlord served the Application by posting it on the door of the Tenant's unit, I cannot find that service has been accomplished in accordance with Section 89 of the Act and I therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the RTB under Section 9.1(1) of the Act.

Dated: October 22, 2018

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Residential Tenancy Branch