



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KARAMAR APARTMENTS and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes

FFL MNDCL-S MNRL

### Introduction

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

- a Monetary Order for unpaid rent and damages pursuant to section 67;
- authorization to retain the security deposit pursuant to section 38; 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 that lasted approximately 10 minutes. The teleconference line remained open for the duration of the hearing to allow the parties to call in. The corporate landlord was represented by its agents (the "landlord") who attended and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the application for dispute resolution dated October 12, 2018 was served on the tenant by leaving a copy in their mailbox at the forwarding address provided by the tenant.

### Preliminary 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]...*

Leaving a copy of the application for dispute resolution in a mailbox or mail slot is not a method of service permitted under section 89(1) of the *Act*. I find that the landlord has not served the tenant in a manner required by the *Act*. I am not satisfied that the tenant was properly served with the application for dispute resolution dealing with a monetary claim. The landlord's application seeking a monetary award is dismissed with leave to reapply.

### Conclusion

The landlord's application is dismissed 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: February 8, 2019

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Residential Tenancy Branch