



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDC MNR

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*;
- an order to retain the tenants security deposit pursuant to section 38 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Only the landlord, attended the way by way of conference call which lasted approximately ten minutes.

The landlord said he served the tenant with his application for dispute by email on October 14, 2018 because the tenant did not provide a forwarding address to the landlord. The landlord confirmed that he did not apply for substituted service of the documents through the Residential Tenancy Branch.

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) as ordered by the director under section 71(1) [director's orders: delivery and service of document]...*

Email is not a recognized form of service. I find the landlord has failed to serve the tenant with his application for dispute in a manner prescribed by section 89 of the *Act*. If a tenant does not provide a forwarding address to a landlord, a landlord must apply through the Residential Tenancy Branch for an order allowing them to serve documents in a manner not listed under section 89 of the *Act*. By the landlord's own admission, he did not apply for substituted service of the application for dispute.

Conclusion

The landlord has not sufficiently demonstrated that he served the tenant with his application for dispute in a manner allowed and required by section 89(1) of the *Act*. The landlord's application for a monetary award is dismissed with leave to reapply.

The landlord must bear the cost of his own filing fee.

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 5, 2019

Residential Tenancy Branch