



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding FIRST SERVICE RESIDENTIAL and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes     FFT MNDCT

### Introduction

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

- a monetary award pursuant to section 67 of the *Act*;
- a return of the filing fee pursuant to section 72 of the *Act*.

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

The tenant said he served the landlord with his application for dispute by way of UPS Courier service on November 14, 2018 while he sent his evidentiary package separately via Canada Post Registered Mail.

### Analysis

While the tenant took appropriate steps to serve the landlord with his evidentiary package via Canada Post Registered Mail, I find the tenant failed to serve the landlord with his application for dispute resolution in a manner allowable under the *Act*.

**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]...

Section 1 of the *Act* defines "registered mail" as "any method of mail delivery **provided by Canada Post** for which confirmation of delivery to a named person is available." I find the tenant has failed to serve the landlord with his application for dispute in a manner prescribed by section 89 of the *Act*.

I dismiss the tenant's application with leave to reapply. The tenant must bear the cost of his own filing fee.

### Conclusion

The tenant has not sufficiently demonstrated that he served the landlord with his application for dispute in a manner allowed and required by section 89(1) of the *Act*. The tenant's application for a monetary award 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: March 18, 2019

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Residential Tenancy Branch