



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

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

Both parties attended the hearing. The landlord stated he placed a copy of the application for dispute and evidentiary package in the tenant's mailbox on November 15, 2018. The tenant denied receiving any documents related to this matter and said he had no understanding of the matters presently before me. The tenant explained he only received notice of this hearing following receipt of an automatically generated email sent to him by the Residential Tenancy Branch.

Analysis

Section 89 of the *Act* explains that the landlord must serve the tenant with his **application for dispute** in one of the following ways:

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) by sending a copy by registered mail to the address at which the person resides;
- (c) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (d) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

I find the landlord has failed to serve the tenant with their application for dispute in a manner prescribed and allowable under the *Act* as described above. Placing an application for dispute in a person's mailbox is now an allowable form of service. The landlord's application for dispute is dismissed with leave to reapply. The landlord must bear the cost of his own filing fee.

Conclusion

The landlord's application for dispute 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: March 22, 2019

Residential Tenancy Branch