



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND FF

Introduction

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

- a monetary order for damage to the rental unit pursuant to section 67;
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The hearing was conducted by conference call. The tenant did not attend this hearing.

Preliminary Issue: Service of Landlord's Application

The landlord testified that on December 21, 2018, copy of the Application for Dispute Resolution and Notice of Hearing was sent to the tenant by registered mail. The mail package was returned and marked "moved". The landlord testified that the tenant's address was obtained by e-mail on December 17, 2018 from the Ministry of Social Development & Poverty through an information sharing agreement.

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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]...*

I find the landlord has provided insufficient evidence that the tenant has been served with the landlord's application for dispute resolution by registered mail to either an address at which the tenant resides or a forwarding address provided by the tenant or in person as required by section 89(1) of the *Act*. The registered mail package sent to the tenant was returned and marked "moved". The landlord has provided insufficient evidence that the tenant's address obtained from the Ministry of Social Development & Poverty is a current address at which the tenant resides.

Conclusion

I dismiss the landlord's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: April 11, 2019

Residential Tenancy Branch