



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDCL MNRL-S

Introduction

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

- a monetary order for unpaid rent and utilities pursuant to section 67;
- a monetary order money owed or compensation for loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, which was scheduled for 1:30 p.m. The landlord attended the hearing from 1:34 p.m. to 1:46 p.m., and was given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

Preliminary Issue - Service of the Application for Dispute Resolution

The landlord testified during the hearing that she had served both tenants with her Application by way of Registered Mail to the tenants' work address she had found. The landlord testified that the tenants failed to move in after signing the written tenancy agreement, and never provided a forwarding address to her.

Section 89 of the *Act* establishes the following special rules for service of documents.

Special rules for certain documents

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 documents].

As the tenants were not in attendance for this hearing, and as I find that the landlord has not met the requirements of section 89 of the *Act* for service of her Application as set out above, I dismiss the landlord's entire monetary application with leave to reapply.

Conclusion

I dismiss the landlord's monetary application for dispute resolution 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: April 26, 2019

Residential Tenancy Branch