



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MND, FF

This hearing was convened in response to an application for dispute resolution (the “Application”) by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for damage to the unit - Section 67;
2. A Monetary Order for compensation - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. The Landlord was not able to provide evidence of service of the Application and notice of hearing as the Landlord had no documentation with him for this hearing. The Landlord stated that the mail that was sent did not require a signature and was returned.

Section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. Section 89 of the Act provides that an application for dispute resolution must be given, if the other party is a tenant, in one of the following ways:

- by leaving a copy with the person;
- 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;

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

As the Landlord was not able to provide evidence of the date and approved method of service of the Application and notice of hearing to each named Tenant I cannot find that service has been accomplished in accordance with the Act. I therefore dismiss the Application with leave to reapply. Leave to re-apply 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 Act.

Dated: May 28, 2019

Residential Tenancy Branch