



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

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

- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;

The hearing was conducted by conference call. The landlord did not attend the hearing.

Preliminary Issue: Service of Tenant's Application

The tenant testified that on March 4, 2019, she sent a copy of the Application for Dispute Resolution and Notice of Hearing to the landlord by Registered Mail. The tenant did not submit any proof of service such as a registered mail receipt or tracking number for this date. The tenant provided a registered mail tracking number (RN332309159CA) during the hearing; however, this tracking number was for an item sent out for delivery on May 21, 2019. The tenant acknowledged that the tracking number provided was for an evidence package subsequently sent to the landlord and not the Application and Notice of Hearing. The tenant was not able to provide a registered mail tracking number in support of serving the landlord with the Notice of Hearing although I remained on the line for 25 minutes in order to enable the tenant to provide such.

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,...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]...*

As the landlord did not attend this hearing and the tenant was not able to provide a registered mail receipt or a tracking number in support of service, I am not satisfied the landlord has been served with the tenant's application for dispute resolution by registered mail at an address at which he resides or carries on business or in any other manner required by section 89(1) of the *Act*.

Conclusion

I dismiss the tenant'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: June 17, 2019

Residential Tenancy Branch