



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding THE PHARAOHS HOLDINGS INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** MNR, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order for unpaid rent and the filing fee.

The landlord testified that the tenant moved out on April 11, 2019 and had not provided the landlord with a forwarding address. The landlord stated that he found the tenant's forwarding address from the tenant's new landlord and served the tenant with the notice of hearing package by slipping the package under the door at this address. The landlord could not recall the date of service.

The tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Was the tenant properly served with the notice of hearing and the landlord's application? If so is the landlord entitled to a monetary order?

### **Analysis**

The purpose of serving a notice of hearing under the Legislation is to notify the person being served of matters relating to arbitration. The tenant is entitled to have an opportunity to be heard at the hearing.

Section 89 of the *Residential Tenancy Act* addresses how to give or serve documents.

**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 documents*]

The landlord testified that he served the tenant with the notice of hearing package by sliding the package under the door. S. 89 provides ways to serve a notice of hearing package and slipping it under the door is not one of them. Based on the testimony of the landlord, I am not satisfied that the notice of hearing was served in accordance with section 89 of the *Act*. The landlord's application is dismissed with leave to reapply.

### **Conclusion**

The landlord's application is dismissed 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: July 16, 2019

---

Residential Tenancy Branch