



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MND, FF

Introduction

The landlords apply for a monetary award for cleaning and repair of the premises after the tenancy ended on April 17, 2017.

The tenant testifies denying being served with the application or evidence and says she only discovered the fact of the hearing by receiving an email yesterday from the Residential Tenancy Branch. She has not seen the landlords' claim and does not wish to proceed.

The landlord Ms. K.D. testifies that on April 11, 2019 she went to forwarding address the tenant had provided after the tenancy had ended and personally gave the Notice of Dispute Resolution Proceeding and supporting evidence to the tenant's mother; a woman known to her.

The tenant's sister submitted an email to the Residential Tenancy Branch indicating her mother received the documents but the tenant is estranged and was not contacted for informed of the hearing.

Section 89 of the *Residential Tenancy Act* provides that an application for dispute resolution may be served on a tenant by personally giving the tenant a copy or by sending a copy by registered mail to the tenant at the forwarding address the tenant has provided. It does not permit service by personally serving a different person at the forwarding address.

I must find that the landlords have not complied with the service provisions of s. 89. Their application is dismissed with leave to re-apply, subject to any applicable limitation periods.

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 15, 2019

Residential Tenancy Branch