



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction and Preliminary Matter

This hearing dealt with the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenant applied for a monetary order for money owed or compensation for damage or loss under the Act, the tenancy agreement or the regulation.

The tenant attended; the landlord did not attend the telephone conference call hearing.

In response to my inquiry, the tenant said she did not know the landlord's address and therefore sent her application for dispute resolution and notice of hearing package to the landlord to the general street address of the hotel where the rental unit is located.

The tenant supplied a copy of the envelope where she attempted to serve the landlord by registered mail. The registered mail was returned to the tenant and marked "Unclaimed".

Analysis and Conclusion

Section 89(1) of the Act indicates the ways in which an application for dispute resolution must be given, such as in the case of the tenant's claim for a monetary order:

- (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*].

In the case before me I find that the tenant failed to provide sufficient evidence that she served her application to the landlord's address or the address in which he conducted a business, as she confirmed she did not know his address.

I therefore find the tenant submitted insufficient evidence that she served the landlord her application for dispute resolution and notice of this hearing in a manner required by the Act.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having been served the Notice of a Dispute Resolution Hearing and application as required by the Act.

I therefore dismiss the tenant's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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 18, 2019

Residential Tenancy Branch