



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, MNSD

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

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for compensation - Section 67; and
3. An Order to deduct monies owed from the security deposit - Section 72.

The Tenants did not attend the hearing. The Landlord states that the application for dispute resolution was served on Tenant JT by priority post to an address found on this Tenant’s company website. The Landlord does not know if Tenant JT resides at this address and there is nothing on the website indicating that Tenant JY resides at this address. The Landlord states that the application for dispute resolution was also sent to Tenant MT at an address on a cheque used by this Tenant to pay rent while residing at the dispute address. The Landlord does not know if Tenant MT resides at the address on the cheque.

The Act provides the following requirements for service of the Landlord’s application:

- 89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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*].

As the Landlord did not provide evidence of registered mail or that either Tenant resides at the addresses to which the applications were sent, I cannot find that service has been accomplished in accordance with the Act for either Tenant and 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: September 17, 2019

Residential Tenancy Branch