



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNRL, MNDCL, FFL

### Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for unpaid and loss of rent; and, other damages or loss under the Act, regulations or tenancy agreement. The landlord's representative appeared for the hearing; however, there was no appearance on part of the tenants.

Since the tenants did not appear for the hearing, I explored service of hearing documents upon the tenants.

Section 89 provides for the ways an Application for Dispute Resolution and other required documents must be served upon the respondent. A monetary claim is to be given to each respondent either: in person or by registered mail or as authorized by way of a Substituted Service Order. Where a landlord sends an Application for Dispute Resolution to a tenant via registered mail, it must be sent to either: the tenant's address of residence at the time of mailing or the forwarding address provided by the tenant, unless the applicant has a Substituted Service Order authorizing the applicant to serve in another manner.

The landlord's agent testified that he sent the Application for Dispute Resolution and other required documents to each tenant via registered mail on September 12, 2019. The landlord used a different address for each tenant. The landlord's agent testified that the tenants did not provide a forwarding address and the landlord's agent does not know the tenants' address of residence. Rather, he determined where the tenants worked and sent the registered mail packages to the tenants using their employers' addresses.

Sending an Application for Dispute Resolution to a tenant's place of employment is not a permissible method of service under section 89(1). In any event, the tracking numbers were searched to determine whether either of the tenants actually received the registered mail package sent to them at their workplace. A search of the registered mail tracking numbers showed that both registered mail packages were not delivered. The package sent to the female tenant indicates it was not delivered because the recipient was not located at the mailing address. The package sent to the male tenant was not delivered because there was an error in the address.

In light of the above, I found the respondents were not duly served with notification of this proceeding and I declined to hear this matter further. 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: January 09, 2020

---

Residential Tenancy Branch