



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPC MNR MNDC FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on February 3, 2020. The Landlord applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act"):

The landlord attended the hearing and provided testimony. The tenant did not attend the hearing.

After reviewing the file, I find there are issues with service of the Notice of Dispute Resolution (application) which are problematic for the proceedings today.

The Landlord stated that she left a copy of the Notice of Dispute Resolution proceeding, and her evidence, at or around the Tenant's bedroom door. The Landlord stated that she did not send any of these documents by mail or in any other manner.

I have considered the Landlords testimony and evidence on this matter. I note that serving an application package and a notice of hearing must be done in a certain manner, as set out in section 89 of the Act. Section 89 specifies the following:

Special rules for certain documents

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].

I note that leaving a copy of the Notice of Dispute Resolution proceeding at or around the Tenant's bedroom door is not an approved method of service under the Act. Ultimately, I find the Landlord has failed to serve the Tenant with her Notice of Hearing and application in accordance with section 89 of the Act.

I encourage the Landlord to utilize one of the approved methods of service, as laid out above. I note that serving documents in person can occur anywhere, but should this option be utilized, proof of service (witness or process server) may be required to prove service was affected appropriately. I find it important to note that registered mail may only be delivered in one of the manners laid out under section 89. Should the Landlord wish to serve the Tenants in an alternative manner to the options above, she should apply for an order for substituted service with the Residential Tenancy Branch.

Since the Landlord has failed to sufficiently serve her application, I dismiss her application, with leave to reapply. If the Landlord wishes to file a new application, I encourage her to serve the documents in an approved, and verifiable method (as laid out under section 89 of the Act).

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: February 03, 2020

Residential Tenancy Branch