



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, MNDCL, MNDL, FFL

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution, made on March 10, 2020 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage or loss;
- a monetary order for damage or compensation;
- a monetary order for unpaid rent; and
- an order granting recovery of the filing fee.

The Landlord's Agent Y.H., the Tenants, and the Tenant's Counsel L.R. attended the hearing at the appointed date and time. At the start of the hearing, the Landlord's Agent testified that she sent the Application and the documentary evidence to the Tenants via xpresspost on March 21, 2020 to two address to which the Landlord's agent believed was the Tenants' place of business.

The Tenants stated that they did not receive any documents from the Landlord and that they were only notified about the dispute resolution hearing when the Residential Tenancy Branch notified them via email about the evidence submission deadline. The Tenants stated that they do not carry any business at the address provided by the Landlord's Agent during the hearing.

Preliminary Matters

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution,...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 document]...*

The Landlord has not served the Tenants in a manner required by section 89(1) of the *Act*. I am not satisfied that the Tenants were properly served with the Landlord's Application for dispute resolution or documentary evidence. In light of the above, I dismiss the Landlord's Application with leave to reapply. During the hearing, the Tenants provided the Landlord's Agent with their forwarding address for service.

Conclusion

I dismiss the Landlord's Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*.

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 16, 2020

Residential Tenancy Branch