



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNRL**

Introduction

This hearing dealt with the landlord's application pursuant to section 67 of the *Residential Tenancy Act* ("Act") a Monetary Order for unpaid rent.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlord was represented by their agent (the "landlord") who attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the landlord's application for dispute resolution dated May 25, 2020 and evidence were served on the tenant by posting on the rental unit door on or about July 24, 2020.

Analysis

Section 89(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution for a monetary award:

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 testified that the application for dispute resolution was posted on the rental unit door. Posting is not a manner of service accepted under the Act for applications for monetary awards. I find that the landlord has not served the tenant in accordance with the requirements of section 89(1) of the *Act*. In the absence of the tenant at the hearing, I am not satisfied that the tenant was properly served with the application for dispute resolution.

Consequently, I dismiss the landlord's application.

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: September 25, 2020

Residential Tenancy Branch