



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDCT

Introduction

This hearing was scheduled to convene at 1:30 p.m. on October 08, 2020 by way of conference call concerning an application made by the tenant seeking a monetary order for return of all or part of the pet damage deposit or security deposit and a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement.

The tenant attended the hearing, gave affirmed testimony, and provided evidentiary material in advance of the hearing. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the landlord joined the call.

The tenant testified that the landlord was served with the Application for Dispute Resolution and Notice of this hearing by registered mail on July 21, 2020 and was given the opportunity to provide proof of such service after the hearing had concluded.

The tenant provided the evidence to the Residential Tenancy Branch on October 14, 2020, which was held in quarantine due to the COVID-19 Pandemic. I now have the evidence which includes a letter from the tenant indicating that the landlord was served by regular mail on July 15, 2020, however a copy of a Canada Post cash register receipt has also been provided which is dated July 14, 2020.

The tenant filed the Application for Dispute Resolution on July 15, 2020 and was provided with a Hearing Package to serve on the landlord on July 21, 2020 by the Residential Tenancy Branch, which included a notice of this hearing. I am unclear what was sent to the landlord on July 14, 2020, however, the *Residential Tenancy Act* specifies that:

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*].

The tenant has not served the landlord with the hearing package as required by Section 89, and therefore, I dismiss the tenant's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter, and I make no orders with respect to extending any time limits.

Conclusion

For the reasons set out above, the tenant's application is hereby 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: October 22, 2020

Residential Tenancy Branch