



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, FFL

This matter was set for a conference call hearing at 1:30 p.m. on this date. The landlord participated in the hearing, the tenant did not. The landlord is seeking a monetary order for costs incurred and the recovery of the filing fee. The landlord testified that he emailed the tenant the Notice of Hearing Package and Application on August 25, 2020 and that the tenant responded, however the email provided does not have the tenants email address, this file number or specifics of this claim. In addition, section 89 of the Act addresses service of the Notice of Hearing Documents and Application as follows:

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*].

The landlord was unable to satisfy me that the tenant had been served the Notice of Hearing Documents in accordance with Section 89 of the Act and as a result, I dismiss the landlord's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: December 10, 2020

Residential Tenancy Branch