



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, FFL

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on January 03, 2021 (the "Application"). The Landlord applied to recover unpaid rent and the filing fee.

The Landlord attended the hearing. Nobody attended the hearing for the Tenant.

The Landlord advised at the outset that the Tenant had not been served with the documents for the hearing. I told the Landlord the Application would be dismissed with leave to re-apply.

Preliminary Matter - Service

The hearing package had to be served on the Tenant pursuant to section 59(3) of the *Residential Tenancy Act* (the "Act") and rule 3.1 of the Rules of Procedure (the "Rules"). The hearing package had to be served in accordance with section 89(1) of the *Act* which states:

89 (1) An application for dispute resolution...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];
- (f) by any other means of service provided for in the regulations.

The Landlord's evidence had to be served on the Tenant in accordance with rules 3.1 and 3.14 of the Rules as well as section 88 of the *Act* which states:

88 All documents, other than those referred to in section 89 [special rules for certain documents], that are required or permitted under this Act to be given to or served on a person must be given or served 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 ordinary mail or 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 ordinary mail or registered mail to a forwarding address provided by the tenant;
- (e) by leaving a copy at the person's residence with an adult who apparently resides with the person;
- (f) by leaving a copy in a mailbox or mail slot for the address at which the person resides or, if the person is a landlord, for the address at which the person carries on business as a landlord;
- (g) by attaching a copy to a door or other conspicuous place at the address at which the person resides or, if the person is a landlord, at the address at which the person carries on business as a landlord;

- (h) by transmitting a copy to a fax number provided as an address for service by the person to be served;
- (i) as ordered by the director under section 71 (1) [director's orders: delivery and service of documents];
- (j) by any other means of service provided for in the regulations.

Given the Tenant was not served with the hearing package, the Application is dismissed with leave to re-apply, other than the request to recover the filing fee which is dismissed without leave to re-apply.

Conclusion

The Application is dismissed with leave to re-apply, other than the request to recover the filing fee which is dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: May 07, 2021

Residential Tenancy Branch