



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0996964 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, FF

Introduction

On April 22, 2021, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) for a monetary order for damage to the rental unit and to recover the cost of the filing fee.

The matter was set for a conference call hearing at 1:30 pm on this date. The Landlord’s agent (“the Landlord”) attended the teleconference; however, the Tenant did not. The line remained open while the phone system was monitored for twenty-five minutes and the Tenant did not call into the hearing during this time.

The Landlord provided affirmed testimony that the Notice of Dispute Resolution Proceeding was left at the Tenants mailbox on May 6, 2021 at 6 pm.

Section 89 of the Act provides the allowable methods of service for an application for dispute resolution to be served on a Tenant. 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.*

I find that for applications other than an order of possession, the Act does not permit the Landlord to serve the Tenant an application by posting or placing the Notice of Dispute Resolution Proceeding at or on a Tenant's door/ mail slot.

I find that the Landlord's application / Notice of Dispute Resolution Proceeding was not served to the Tenant in accordance with sections 89 (1) of the Act. The hearing could not proceed.

The Landlord's application is dismissed in its entirety 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 25, 2021

Residential Tenancy Branch