



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution by direct request, made on April 25, 2021 (the "Application". The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage or compensation.

The hearing was scheduled for 1:30 PM on October 26, 2021 as a teleconference hearing. Only the Tenant appeared at the hearing at the appointed date and time. No one called in for the Landlord. The conference call line remained open and was monitored for 10 minutes before the call ended.

The Tenant stated that he sent the Landlord the Notice of Hearing by Canada Post on May 7, 2021. The Tenant was unable to provide tracking information in support of the mailing. After further discussion, it was evident that the Tenant sent the Notice of Hearing to the Landlord by regular post and that it was not Registered Mail which would include tracking information to confirm the service.

Preliminary Matters

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

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 Tenant has not served the Landlord in a manner required by section 89(1) of the *Act*. I am not satisfied that the Landlord was properly served with the Tenant's Application for Dispute Resolution.

Conclusion

I dismiss the Tenant's Application WITH leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*.

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 26, 2021

Residential Tenancy Branch