



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

RPP

### Introduction:

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenants in which the Tenants applied for an Order requiring the Landlord to return personal property.

### Issue(s) to be Decided:

Is there a need to issue an Order requiring the Landlord to return personal property?

### Background and Evidence:

The Tenant stated that on January 13, 2022 the Dispute Resolution Package was placed on a gate outside of the residential complex. He stated that the residential complex is being demolished, a fence has been erected around the complex, and he attached the documents to the main gate leading into the complex.

### Analysis:

The purpose of serving the Application for Dispute Resolution and the Notice of Hearing to a Respondent is to notify them that a dispute resolution proceeding has been initiated and to give them the opportunity to respond to the claims being made by the Applicant. When a tenant files an Application for Dispute Resolution for return of personal property, the tenant has the burden of proving that the landlord was served with the Application for Dispute Resolution in compliance with section 89(1) of the *Residential Tenancy Act (Act)*.

Section 89(1) of the *Act* permits a party to serve an Application for Dispute Resolution to the other party in 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.

Section 89(1) of the *Act* does not permit service of documents by posting them at the residential complex. I find that the Tenant has failed to establish that the Application for Dispute Resolution was served to the Landlord in accordance with section 89(1) of the *Act*.

As the Tenant has failed to establish proper service of documents, I was unable to proceed with the hearing in the absence of the Landlord and in the absence of any evidence to establish the Landlord was aware of the proceedings.

The Application for Dispute Resolution is therefore dismissed, with leave to reapply.

Conclusion:

The Application for Dispute Resolution is 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 *Act*.

Dated: February 21, 2022

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Residential Tenancy Branch