



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord for the cost of the application.

Both tenants and the landlord named in the application attended the hearing, and the landlord was also accompanied by the landlord's spouse.

The parties agree that none of the tenants' evidentiary material has been provided to the landlord. Any evidence that a party wishes me to consider must be given to the other party, even if they already have it.

During the hearing, I advised the parties that the tenants must serve each landlord individually, however only one landlord has been named in the tenants' application. The tenants advised that the Notice of Dispute Resolution Proceeding was personally given to the mother of one of the landlords.

The *Residential Tenancy Act* specifies how documents are to be served:

- 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*];
- (f) by any other means of service provided for in the regulations.

Service of a Notice of Dispute Resolution Proceeding by handing the documents to an adult person who apparently resides with the landlord, is not permitted by law.

Since the tenants have not served the Notice of Dispute Resolution Proceeding in a manner as set out in Section 89 above, and has not provided the landlord with any evidentiary material, I dismiss the tenants' application with leave to reapply. I have made no findings of fact or law with respect to the merits of the application.

Conclusion

For the reasons set out above, the tenants' application is hereby 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 *Residential Tenancy Act*.

Dated: December 29, 2022

Residential Tenancy Branch