



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNETC, FFT

### Introduction

This hearing was convened as a result of the Tenants Application for Dispute Resolution, made on April 28, 2022 (the “Application”). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the “Act”):

- a monetary order for compensation; and
- an order granting the return of the filing fee.

The hearing was scheduled for 1:30PM as a teleconference hearing. Only the Tenant R.B. appeared at the hearing. No one called in for the Landlord. The conference call line remained open and was monitored for 10 minutes before the call ended.

At the start of the hearing, the Tenant stated that he served the Application and evidence to the Landlord in one package by placing it in the Landlord’s mailbox on May 12, 2022.

### Analysis – Service of Tenant’s Application

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 or documentary evidence. As such the Tenant's Application is dismissed with leave to reapply.

### 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: January 11, 2023

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Residential Tenancy Branch