



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDL-S, LRSD, FFL

### Introduction

This hearing was scheduled to convene at 1:30 p.m. on February 1, 2024 concerning an application made by the landlord seeking a monetary order for damage to the rental unit or property, an order permitting the landlord to keep all or part of the security deposit or pet damage deposit, and to recover the filing fee from the tenant for the cost of the application.

The landlord attended the hearing and gave submissions regarding service. However, the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the tenant joined the call.

The landlord submitted that the tenant was served with the Notice of Dispute Resolution Proceeding by registered mail at the address of the tenant's place of employment.

The *Residential Tenancy Act* specifies how a Notice of Dispute Resolution Proceeding can 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.

There is no provision to serve a respondent by registered mail at the place where the person is employed, except for serving a landlord at a place where the landlord carries on business as a landlord.

Since the landlord has not served the tenant with the Notice of Dispute Resolution and other required documents in accordance with Section 89 of the *Act*, I dismiss the landlord's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of the landlord's application.

### Conclusion

For the reasons set out above, the landlord's 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: February 01, 2024

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Residential Tenancy Branch