

DECISION

Dispute Codes MND, MNR, FF

Introduction

This hearing was convened to deal with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent and for damage to the unit, site or property pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

Service of Landlord's Application

The landlord testified that the landlord's representatives sent the applicant a copy of the dispute resolution hearing package by registered mail on October 4, 2010. She provided a Canada Post Tracking Number to confirm this mailing. However, she said that this package was not sent to an address provided by the tenant to the landlord, but was sent to an address identified by the landlord's staff as her possible new address. She said that Canada Post returned this package to the landlord noting that the tenant does not live at this address. The landlord said that there had been no verification by the landlord's staff that the tenant lived at the address where the dispute resolution hearing package was sent. She testified that it did not appear that there had ever been any contact with the tenant to confirm that she lived at the address where the dispute resolution hearing package was sent by registered mail.

Analysis – Service of Landlord'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 landlord has not served the tenant in a manner required by section 89(1) of the *Act*. I am not satisfied that the tenant was properly served with the landlord's application for dispute resolution.

Conclusion

I dismiss the landlord's application 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*.