



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MND, MNDC, MNSD, FF

### Introduction

This matter dealt with an application by the Landlord for compensation for cleaning and repair expenses, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the "hearing package") on April 4, 2011 by registered mail to the Tenant's workplace. Section 89 of the Act says that an application (for a Monetary Order) must be served in person or by registered mail to the Tenant's residence unless the Landlord obtains an Order from the Residential Tenancy Branch granting her *prior approval* to serve the hearing package on the Tenant in a different way. The Tenant did not attend the hearing and the Landlord provided no evidence (such as a tracking number) that the Tenant received the Landlord's hearing package. Consequently, I find that the Tenant was not served with the Landlord's hearing package as required by s. 89 of the Act and her application is dismissed with leave to reapply.

### Conclusion

The Landlord's application 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 *Residential Tenancy Act*.

Dated: July 18, 2011.

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Residential Tenancy Branch