



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MND, MNSD & MNDC

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached.

The landlord testified he attempted to serve the Application for Dispute Resolution by mailing, by registered mail to the rental unit. However, by that time the tenants had vacated the rental unit and the documents were returned to the landlord. He also attempted to serve by e-mail. Finally, he left the documents at a location he was told the tenant resides.

Policy Guideline #12 provides as follows:

There are only three methods of service that may be used for these matters.

These are:

i. Personal service

- Where a tenant is personally serving a landlord, the tenant must serve a document by leaving a copy of it with the landlord or an agent of the landlord.
- Where a landlord is personally serving a tenant, the landlord must serve by leaving a copy with the tenant. The landlord must serve a copy for each co-tenant.

This requires physically handing a copy of the document to the person being served. If the person declines to take a copy of the document, it may be left near the person so long as the person serving informs the person being served of the nature of the document being left near them.

ii. Registered Mail

- Where a tenant is serving a landlord by registered mail, the address for service must be where the landlord resides at the time of mailing or the

- address at which the landlord carries on business as a landlord. (See section 6 and 7 below)
- Where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant.

Registered Mail includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.

iii. A Residential Tenancy Branch Order Regarding Service

- See sections 13 and 14 below.

I determined the landlord has failed to prove sufficient service on the tenant for the purpose of obtaining a monetary order. The tenants were not residing in the rental unit at the time he attempted to serve by registered mail. He did not physically serve the documents on the tenant as required by Policy Guideline #12 when he attempted personal service.

Accordingly, **I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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 14, 2015

Residential Tenancy Branch

