



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            MNR, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for;

- A monetary order for unpaid rent 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 which lasted approximately 20 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and call witnesses.

The landlord testified that he served the application for dispute resolution dated July 24, 2017 by registered mail on the tenant at his work address. The landlord testified that he found the work address through searching for the tenant on the Internet. The landlord submitted a copy of the Canada Post tracking number and confirmation of receipt as evidence of service.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

### Analysis- Service of Landlord's Application

Section 89(1) of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution for a monetary award:

*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 testified that he served the tenant by registered mail sent to the address where he believes the tenant is employed. The landlord said that he searched for the tenant online and confirmed that he is employed at that location. The landlord said that this was his only means of serving the tenant as the tenant did not provide a written forwarding address when the tenancy ended.

I find that the landlord has not served the tenant in a manner required by section 89(1) of the *Act*. While I accept the landlord's submission that the tenant has not provided a forwarding address in writing, I am not satisfied that the tenant was served with the application for dispute resolution.

Consequently, I must dismiss the landlord's application as I find that it was not properly served.

### 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: February 1, 2018

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Residential Tenancy Branch