



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNDCT OLC FF

Introduction

This hearing was convened pursuant to the tenant's application under the *Residential Tenancy Act* (the Act) for a monetary order and to recover their filing fee. The landlord and the tenant attended the teleconference hearing.

Preliminary Issue – Service of Documents

In the hearing the landlord stated they did not receive the Notice of Hearing or the tenant's application of this matter until this morning, after learning of this matter via an auto generated e-mail.

The tenant stated they placed their application and Notice of Hearing and purportedly with evidence for this matter in the landlord's mail slot after filing their application in February 2018. The landlord stated they have never received anything related to this matter before this date, and even so, they were only able to obtain a Notice of Hearing from the Branch. The parties were apprised that the Branch hearing file is void of any evidence.

Under the Act a party may serve a respondent of an action only by a method prescribed under **Section 89**. The Act does not permit service of an action by way of placing it through a mail slot.

I found that the tenant did not properly serve the landlord with Notice of this hearing or their application but also has also not provided any evidence in this matter. As a result, I find that neither party is prejudiced in dismissing this matter to allow the landlord to be

properly notified with the tenant's action. I therefore **dismiss** the tenant's monetary claim, *with leave to reapply*.

Conclusion

The tenant's monetary application is dismissed *with leave to reapply*.

This Decision is final and binding.

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: September 10, 2018

Residential Tenancy Branch