



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNR FF

Introduction

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

- a monetary award pursuant to section 67 of the *Act*; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Only counsel for the landlord, B.K. attended the hearing by way of conference call. Counsel who attended the hearing was given a full opportunity to be heard, to present testimony, to make submissions and to call witnesses.

The landlord's counsel explained the landlord's application for dispute and evidentiary package were sent to the tenant's place of employment by way of Canada Post Registered Mail on June 4, 2018. Landlord's counsel said the package was received and signed for at this business by a person named "Judith" on June 6, 2018.

Preliminary Issue – Service of Documents

The tenant did not attend this hearing, which lasted approximately 10 minutes. Only the landlord's counsel, B.K. attended the hearing on behalf of the landlord.

Counsel explained that on June 6, 2018 the Registered Mail application for dispute and evidence package were signed for at the tenant's workplace by a person named "Judith." Counsel said the landlord had independently confirmed that the tenant was currently employed at the business where the Registered Mail documents were sent.

Sending a tenant an application for dispute to their place of employment is not a recognized form of service under section 89 of the *Act* unless a party has applied for, and received an order to do so via Substitute Service. *Residential Tenancy Policy Guideline #12* examines special requirements for service of documents for an

application for dispute resolution. It notes, "When 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."

I am not satisfied that the landlord served notice of the dispute resolution hearing documents to the tenant as required by section 89 of the *Act*. There is no evidence the landlord applied for substituted service of the documents. For this reason, the landlord's application is dismissed with leave to reapply.

Conclusion

I dismiss the landlord's application with leave to reapply.

The landlord must bear the cost of their own filing fee.

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: November 8, 2018

Residential Tenancy Branch