



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, OPR, FFL

Introduction

On July 25, 2019 the Landlords submitted an Application for Dispute Resolution (the “Application”), seeking relief pursuant to the *Residential Tenancy Act* (the “Act”) for the following:

- a monetary order for unpaid rent or utilities;
- an order of possession for unpaid rent; and
- an order granting recovery of the filing fee.

The hearing was scheduled for 9:30am on September 24, 2019 as a teleconference hearing. Only the Landlord appeared at the hearing and provided affirmed testimony. No one called in for the Tenant. The conference call line remained open and was monitored for 10 minutes before the call ended.

Preliminary Matters - Service of Landlord’s Application

During the hearing, the Landlord stated that she could not recall how she served the Tenant with the Application package and documentary evidence. The Landlord stated that the Tenant had confirmed receipt via email. The Landlord stated that she did not submit any evidence to confirm the service; however, she stated that she may have posted it to the door or placed the Application and documentary evidence in the mail slot. The Landlord confirmed that the Tenant vacated the rental unit on August 31, 2019.

Analysis – Service of Landlord's Application

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

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 has not served the Tenant in a manner required by section 89(1) of the *Act*. I am not satisfied that the Tenant was properly served with the Landlords' Application for dispute resolution or documentary evidence.

Conclusion

I dismiss the Landlords' Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*.

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 24, 2019

Residential Tenancy Branch