



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes RPP, OPT, O

Introduction

This hearing was convened by way of conference call on this date to deal with the tenant's application to obtain an Order of Possession of the rental unit or site and for return of the tenant's personal property.

The tenant attended the conference call hearing, but stated that he had served the landlords with the Tenant's Application for Dispute Resolution and notice of hearing documents by regular mail. The tenant also stated that he relied on the Landlord and Tenant Fact Sheet #RTB-114 which was provided to him by the Residential Tenancy Branch which stated that the material was to be served on the landlords within 3 days.

Analysis

The *Residential Tenancy Act* states as follows:

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, 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 documents*].

I find that the tenant has not served the Tenant's Application for Dispute Resolution and notice of hearing documents in one of the ways permitted under the *Act*. I further find that the landlords will not be prejudiced by allowing the tenant to serve the documents in one of the methods provided for under the *Act*, but the landlords would be prejudiced by conducting a hearing without proper service being proven.

Conclusion

The tenant's application is hereby dismissed with leave to reapply. I made no findings of law or fact with respect to the merits of this matter, and I heard no evidence by the tenant.

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: December 16, 2010.

Dispute Resolution Officer