



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

CNR, MNR, MNDC, MNSD, OPT, AAT, LAT, AS, RR

The hearing was to commence at 1:30 p.m. At 1:37 p.m. a woman, M.D., entered the conference call and identified herself as agent for the tenant.

M.D. provided affirmed testimony that on October 19, 2011, the Notice of hearing was posted to the landlord's door.

Witness D.H. then testified that on the morning of October 19, 2011, in the presence of 2 police officers; the tenant, J.P., personally served the landlord by "tossing" the Notice of hearing at him and telling the landlord he had been served. The landlord left the papers on the lawn.

I find, as provided by section 71(2)(b) of the Act, that the landlord was sufficiently served, when the tenant told the landlord the papers were for the purpose of a hearing.

The tenant has claimed compensation in the sum of \$15,000.00; no evidence submission was made, nor was a detailed calculation of the claim submitted.

The agent stated that they are not disputing a Notice ending tenancy; that portion of the application was not necessary, as the Notice relates to their current tenancy, which is not with the respondent.

From the testimony given by M.D. I determined that the tenant is in a dispute with the respondent in relation to renovation work that was to be completed prior to the creation of a tenancy that the tenant anticipated would follow. As a tenancy had yet to be established I have determined that the claim is not within the jurisdiction of the Act.

Therefore, I find that this matter does not include a claim that may be determined within the jurisdiction of the Act.

Dated: November 10, 2011.

---

Residential Tenancy Branch