

Decision

Dispute Codes: CNQ, LAT, RR, FF

Introduction

This hearing was convened in response to an application by the tenants for cancellation of a notice to end tenancy / authority to change the locks to the rental unit / authority to reduce rent for repairs, services or facilities agreed upon but not provided / and recovery of the filing fee.

Legal counsel representing the tenants was the only party in attendance, and he was unable to confirm that the landlord had been served with the tenants' application for dispute resolution and notice of hearing (the "hearing package").

In relation to service of documents, section 89 of the Act speaks to **Special rules for certain documents**, and provides in part 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*].

Conclusion

In the absence of affirmed testimony or documentary evidence in support of the landlord's having been served with the hearing package pursuant to the above statutory provisions, the tenants' application is hereby dismissed with leave to reapply.

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*.

DATE: December 13, 2011

Residential Tenancy Branch