



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MT, CNC

### Introduction

This matter dealt with an application by the Tenant for leave to apply late to cancel a Notice to End Tenancy and to cancel a One Month Notice to End Tenancy for Cause dated February 28, 2012.

The Tenant said he served the Landlord with the Application and Notice of Hearing (the "hearing package") by registered mail. However, the Tenant's proof of service was a Purolator courier way bill that shows the Tenant shipped the documents on March 20, 2012 and that on March 29, 2012 they were delivered to a person named, "Lewis."

Section 89(1) of the Act says a Tenant's application for Dispute Resolution must be served on the other party either ***in person or by registered mail***. The reason for registered mail is to ensure that the documents are delivered to the intended recipient (because identification is required) and that there is a signature confirming service. In the circumstances, I find that there is insufficient evidence to conclude that the Landlord was served with the Tenant's hearing package. Section 59(3) of the Act also says that an Applicant must serve their application for Dispute Resolution on the other Party ***within 3 days*** of receiving their hearing packages. In this case, the Tenant received his hearing packages on March 16, 2012 but did not serve them for a further four days. Consequently, I find that the Tenant did not comply with s. 59(3) of the Act.

### Conclusion

For all of the above-noted reasons, the Tenant's application is dismissed with leave to reapply ***subject to the time limitations set out under section 66 of 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: April 04, 2012.

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Residential Tenancy Branch