



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Northern Property Real Estate Investment Trust
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNE, LAT, FF

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy; for authority to change the locks to the rental unit; and to recover the fee for filing an Application for Dispute Resolution.

Issue(s) to be Decided

Should the Notice to End Tenancy, served pursuant to section 48 of the *Residential Tenancy Act (Act)*, be set aside and should the Tenant be granted permission to change the locks to the rental unit?

Background and Evidence

The Tenant stated that on July 13, 2013 the Application for Dispute Resolution and the Notice of Hearing was posted on the door of the Landlord's business office. The Tenant stated that on July 13, 2013 he also faxed the Application for Dispute Resolution and the Notice of Hearing to the Landlord.

Analysis

The purpose of serving the Application for Dispute Resolution and the Notice of Hearing in these circumstances is to notify the Landlord that the Tenant has initiated a dispute resolution proceeding and to provide the Landlord with the opportunity to respond to the Tenant's claims. The Tenant has the burden of proving that the Landlord was served with the Application for Dispute Resolution and the Notice of Hearing in accordance with section 89 of the *Residential Tenancy Act (Act)*.

Section 89 of the *Act* does not authorize a Tenant to serve a Landlord with an Application for Dispute Resolution and the Notice of Hearing by fax or by posting them at a business office.

Conclusion

As the Tenant has not established that the Landlord was served with the Application for Dispute Resolution and the Notice of Hearing in accordance with section 89 of the *Act*, I am unable to proceed with this matter in the absence of the Tenant. The Application for Dispute Resolution is 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*.

Dated: August 13, 2013

Residential Tenancy Branch

