



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL

### Introduction

This matter dealt with an application by the Tenants to cancel a 2 Month Notice to End Tenancy for Landlord's Use.

The Tenant said he served the Landlord with the Application and Notice of Hearing (the "hearing package") by registered mail on August 19, 2013. The Tenant said he addressed the hearing package for the Landlord to the dispute address/the Tenants' address because the Landlord occasionally picks up his mail there. The Tenant continued to say the hearing package was returned unclaimed and so the Landlord was not served the hearing package. The Tenant said he did not know the Landlord's address. Based on the evidence of the Tenant, I find that the Landlord was not served with the Tenant's hearing package as required by s. 89 of the Act. Consequently, I dismiss the application with leave to reapply due to lack of service of documents to the Landlord.

### Conclusion

The Tenants' application 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: September 24, 2013

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Residential Tenancy Branch

