



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

DECISION

Dispute Codes:

MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant, in which the applicant is requesting an order to force the landlord to complete emergency repairs and a monetary order against the landlord for reduced value to the tenancy due to the landlord's failure to comply with the Act by completing emergency repairs.

Only the applicant tenants appeared.

Preliminary Matter

The tenant testified that they served the landlord with the Notice of hearing by posting it on the landlord's door.

Section 89 of the Act states that an application for dispute resolution must be given to one party by another, 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. (*My emphasis*)

In this instance, I find that the applicant tenant did not serve the respondent in accordance with the Act.

Based on the above, I find that this matter cannot proceed because the tenant was not able to sufficiently prove that the landlord was properly served with the Notice of Hearing in accordance with the Act.

Therefore I dismiss the tenant's application **with leave to reapply**.

Conclusion

The tenant's application is dismissed with leave to reapply, as the matter could not proceed due to insufficient proof that the respondent was properly served in accordance with 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: September 09, 2013

Residential Tenancy Branch

