



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding P&C HOLDINGS  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      RP, RR

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant for, a monetary order for money owed or compensation under the Act, to have the landlord make repairs to the unit, to have the landlord provide services or facilities required by law and to allow a tenant to reduce rent for repairs.

The tenant attended the hearing. As the landlords did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant testified the Application for Dispute Resolution and Notice of Hearing were left at the residence of the landlord with the landlord's daughter.

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*].

In this case, the documents were provided to the landlord's daughter at their residence, there was no evidence that the daughter acts as an agent for the landlords.

As a result, I am not satisfied that the landlords were served in accordance with the Act and it would be administratively unfair to the landlord as the principles of natural justice require that a person be informed and given particulars of the claim against.

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

### Conclusion

The tenant's 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: February 04, 2014

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Residential Tenancy Branch

