



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

PSF, ERP, RP, and FF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for an Order requiring the landlord to provide services or facilities; for an Order requiring the landlord to make repairs to the rental unit; for an Order requiring the landlord to make emergency repairs to the rental unit; and to recover the filing fee from the landlord for the cost of this Application for Dispute Resolution.

Issue(s) to be Decided

Is there a need to issue an Order requiring the Landlord to make repairs to the rental unit or to provide services/facilities?

Background and Evidence

The Tenant stated that she placed two copies of the Application for Dispute Resolution and Notice of Hearing into one envelope, which she addressed to both Respondents. She stated that she obtained the mailing address for the Respondents from "city hall", where they are listed as the owners of the property.

The Witness for the Tenant stated that she delivered this envelope to the service address for the Respondents, by placing it into the mail slot at that address. She is not certain of the date of service, but she believes it was sometime in early July of 2014.

Analysis

The Applicant is obligated to serve each Respondent with a copy of the Application for Dispute Resolution in accordance with section 89(1) of the *Residential Tenancy Act* (Act). Section 89(1) of the Act permits these documents to be served by:

- by leaving a copy with the person
- if the person is a landlord, by leaving a copy with an agent of the landlord

- 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
- if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant
- as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

The *Act* does not permit these documents to be served by personally delivering them to a mail slot. I therefore find that the documents have not been served in accordance with section 89(1) of the *Act* and I am therefore unable to proceed with the hearing in the absence of Respondents.

Conclusion

As the Respondents have not been properly served with notice of these proceedings, I dismiss the Application for Dispute Resolution 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 01, 2014

Residential Tenancy Branch

