



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

Dispute Codes: O

### Introduction

This hearing dealt with an application by the landlord for an additional rent increase beyond the percentage allowed by the regulation. The landlord requested an order permitting additional rent increase based on the fact that the rent for the rental unit is lower than the market rent charged for other comparable rental units similar to and in the same geographic area as the rental unit in question.

The landlord attended but the tenant did not appear. The landlord testified that the tenant was served with the Notice of Hearing by posting the Notice on the tenant's door on July 18, 2014.

### Preliminary Matter

At the outset of the hearing it was established that the landlord served the respondent tenant with the hearing documents by posting the Notice of Hearing on the tenant's door.

Sections 88 and 89 of the Act determine the method of service for documents. The landlord has applied for a Dispute Resolution hearing to deal with an additional rent increase under section 43(3) of the Act which requires that the landlord serve the tenant as set out under Section 89(1). This requires service in one of the following ways:

- (a) **by leaving a copy with the person, (personal service);**
- (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 landlord served the documents in a manner not in compliance with the Act. Having found that the landlord has failed to prove adequate service of the Notice of Hearing and Application for Dispute Resolution I have determined that the landlord's application must be dismissed with leave to reapply.

Accordingly, I hereby dismiss the landlord's application in its entirety with leave to reapply.

Conclusion

The landlord is not successful in the application and the application is dismissed with leave due to noncompliant service of the hearing documents.

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, 2014

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Residential Tenancy Branch

