



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Connector Properties Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for an order cancelling a notice to end tenancy for cause.

The tenant attended the hearing assisted by a family counsellor, however no one for the landlord attended. The line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and the only participants who joined the call were the tenant and the tenant's counsellor.

The tenant advised that the landlord was served with the Tenant's Application for Dispute Resolution and notice of hearing documents by posting them to the door of the office of the landlord on October 27, 2014. The tenant also advised that upon receiving the notice of hearing from the Residential Tenancy Branch to serve on the landlord, an officer of the Residential Tenancy Branch advised the tenant to serve the landlord and that one acceptable method was to post the documents to the door of the office where the landlord carries on business as a landlord. The tenant's counsellor was present when the officer provided that information to the tenant and has confirmed that the advice was given to the tenant.

The *Residential Tenancy Act* states, under Section 88, that all documents other than those referred to in Section 89 may be served by posting to the door or other conspicuous place. However, Section 89 states:

**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 the circumstances, I am not satisfied that the landlord has been served in accordance with the *Residential Tenancy Act*, and the tenant's application must be dismissed.

However, due to the fact that the tenant and a witness for the tenant both heard the officer at the Residential Tenancy Branch advise the tenant that serving the landlord by that method is acceptable, I order that the tenant's application be dismissed with leave to reapply. I further order that, provided that the tenant files the Tenant's Application for Dispute Resolution within 10 day of this hearing, the tenant is deemed to have disputed the notice within 10 days as required by the *Residential Tenancy Act*. The tenant must then serve the landlord within 3 days of making the application by one of the methods described in Section 89 above.

### Conclusion

For the reasons set out above, the tenant's application is hereby dismissed with leave to reapply.

I further order that, provided that the tenant files the Tenant's Application for Dispute Resolution within 10 days of this hearing, the tenant is deemed to have disputed the notice within 10 days as required by the *Residential Tenancy 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: December 02, 2014

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Residential Tenancy Branch

