



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT

Introduction and Preliminary Matter

This hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act ("Act"). The tenants applied for an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") and for an order granting more time to make an application to cancel a notice to end tenancy.

The tenants attended the telephone conference call hearing; the landlord did not attend.

The tenants testified that they served the landlord with their application for dispute resolution and notice of hearing by giving the documents to the landlord's son.

Analysis and Conclusion

Section 89(1) of the Act requires that an application for dispute resolution, which includes the notice of hearing, be served upon the respondent (the landlord in this case) by leaving it with the person, if the person is a landlord, by leaving a copy with an agent of the landlord or by registered mail to the address at which the person resides, or if a landlord, to the address at which the person carries on business as a landlord.

In the case before me, as the tenants delivered their application for dispute resolution to the landlord's son, who was not shown to be an agent of the landlord, I find that the tenants did not serve their application to the landlord in a manner required by the Act. I therefore dismiss the tenants' application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

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: August 21, 2015

Residential Tenancy Branch

