



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            CNC, OLC

### Introduction

This hearing dealt with a tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and for orders for the landlord to comply with the tenants' rights to quiet enjoyment of the property. The landlord did not appear at the hearing. The tenants testified that they served the landlord with the hearing documents by putting them in the landlord's mailbox on August 8, 2015. The tenants stated that the landlord responded to service of the hearing documents by stating she would appear at the hearing with her lawyer.

An application for dispute resolution must be served in manner that complies with section 89 of the Act. Leaving an application in the landlord's mailbox is not a method of service permitted under section 89(1) of the Act.

Although service of the hearing documents was insufficient the tenants stated that the landlord forcibly evicted them from the premises on October 31, 2015 and they do not wish to regain possession of the rental unit. Since the tenancy has ended, whether legally or not, I found the tenants' requests to cancel the 1 Month Notice and request orders for compliance to be moot at this point in time and I dismissed their application. However, the tenants were informed of their right to make another application with respect to any damages or losses they may have suffered as a result of violations of the Act on part of the landlord, if any.

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: November 26, 2015

---

Residential Tenancy Branch

