



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WV Income Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FF

Introduction

This is an application brought by the tenant requesting an order canceling a Notice to End Tenancy, and requesting recovery of the filing fee.

The applicant testified that the respondent(s) were served with notice of the hearing by placing the documents in the landlord's mail slot; however the respondent(s) did not join the conference call that was set up for the hearing.

Decision and Reasons

Section 89 of the Residential Tenancy Act 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 this case it is my finding that the applicant has not serve the landlord's by a method required under the Residential Tenancy Act and therefore, in the absence of any evidence that the documents were received by the respondents, I am unwilling to proceed with the hearing.

Conclusion

This application is dismissed 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 *Manufactured Home Park Tenancy Act*.

Dated: September 20, 2016

Residential Tenancy Branch