



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, DRI, ERP, FF, OLC, PSF, RP

### Introduction and Conclusion

This hearing convened as a result of a Tenants' Application for Dispute Resolution wherein the Tenants requested an Order canceling a 10 Day Notice to End Tenancy for Unpaid Rent, an Order for repairs, emergency and otherwise, an Order that the Landlord comply with the *Residential Tenancy Act* and provide services or facilities required by law, an order disputing a rent increase and to recover the filing fee.

This hearing was set to occur at 10:30 a.m. on December 20, 2016 by teleconference. Only the Tenants called into the hearing.

The Tenant, K.B., confirmed that they had vacated the rental unit. Accordingly, the relief sought by the Tenants, save and except for their request to recover their filing fee, was no longer applicable. The Tenant, K.B., confirmed that it was the Tenants' intention to proceed with their application for recovery of the filing fee.

K.B., testified that she dropped off the Application for Dispute Resolution and Notice of Hearing in the Landlord's mailbox.

Section 89 of the *Residential Tenancy Act* provides for service of an application for dispute resolution and reads as follows:

### **Special rules for certain documents**

- 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*].

Leaving the Application materials in the Landlord's mailbox is insufficient service pursuant to section 89. Accordingly, I find the Tenants failed to serve the Landlord as required by the *Act* and I dismiss their claim for recovery of the filing fee with leave to reapply.

The balance of the relief sought by the Tenants is dismissed as the tenancy has ended.

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 20, 2016

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Residential Tenancy Branch