



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding STANMAR SERVICES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      cnl, olc, rp

The tenant applies for an order to cancel a two month notice to end tenancy and for an order for repairs.

The tenant attended the hearing. A representative of the landlord did not attend the hearing. The tenant testified that he had tried to serve the landlord's agent personally with notice of this hearing, but she refused to accept it.

With respect to service provisions, the Residential Tenancy Act states in section 89 (1):

An application for dispute resolution ...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].

As the application has not been properly served upon the landlord by one of these required methods, the application is dismissed for want of service, 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 *Residential Tenancy Act*.

Dated: January 31, 2017

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Residential Tenancy Branch